



भारत का यजपत्र The Gazette of India

प्राधिकार से प्रकाशित

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No. 36] NEW DELHI, SATURDAY, SEPTEMBER 2, 1972/BHADRA II, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—हण्ड 3—उपलब्ध (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ लेन प्रशासन को छोड़कर)
कार्यपालिकरणों द्वारा जारी किये गए विविध आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 21st July 1972

S.O. 2395.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and in partial modification of the notification of the Government of India, Ministry of Communications No. SRO 631-B dated the 28th February, 1957 in so far as it relates to the Civil Aviation Department, the President hereby directs that—

(1) in respect of the posts in the General Central Service Class II, specified in column 1 of Part 1 of

the Schedule to this order, the authority specified in column 2 shall be the Appointing Authority and the authority specified in column 3 shall be the Disciplinary Authority in regard to the penalties specified in column 4; and

(2) in respect of the posts in the General Central Service, Class III and the General Central Service, Class IV, specified in column 1 of Parts II and III of the said Schedule, the authority specified in column 2 shall be the Appointing Authority and the authorities specified in columns 3 and 5 shall be the Disciplinary Authority and the Appellate Authority respectively in regard to the penalties specified in column 4.

SCHEDULE

PART I—General Central Service, Class II

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)	
		Authority	Penalties
I	2	3	4
Civil Aviation Department			
All Posts	Director General of Civil Aviation	Director General of Civil Aviation.	All

PART II—General Central Service, Class III

Description of Post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate Authority
		Authority	Penalties	
I	2	3	4	5
Civil Aviation Department (Headquarters Office) All posts	Director of Administration	Director of Administration	All	Director General of Civil Aviation.
Air Routes & Aerodromes Organisation All posts	Director of Administration.	Director of Administration	All	Director General of Civil Aviation.
Aeronautical Communication Organisation				
Painter; Wireless Mechanic; Crystal Mechanic; Instrument Mechanic; Tool Mechanic; Electrician; Fitter; Turner; Welder; Blacksmith and Tinsmith.	Director, Radio Construction & Development Units.	Director, Radio Construction & Development Units.	All	Director General of Civil Aviation.
Other posts	Director of Administration	Director of Administration Controller concerned	All (i) to iv)	Director General of Civil Aviation. Director of Administration.
Aeronautical Inspection Organisation, Including Overhaul Unit/Calibration Unit All posts	Director of Administration	Director of Administration Controller of Aeronautical Inspection concerned.	All (i) to (iv)	Director General of Civil Aviation. Director of Administration.
Civil Aviation Training Centre All Posts	Director of Administration	Director of Administration Principal, Civil Aviation Training Centre.	All (i) to (iv)	Director General of Civil Aviation. Director of Administration.
Gilding Centres. All posts	Director of Administration	Director of Administration Controller of Aerodromes or Controller of Aeronautical Inspection concerned.	All (i) to (iv)	Director General of Civil Aviation. Director of Administration.
Central Examination Organisation All posts	Director of Administration	Director of Administration Deputy Director, Central Examination Organisation.	All (i) to (iv)	Director General of Civil Aviation. Director of Administration.
Director Aircraft Inspection, Kanpur. All posts	Director of Administration	Director of Administration Director, Aircraft Inspection	All (i) to (iv)	Director General of Civil Aviation. Director General of Civil Aviation.

PART III—General Central Services, Class IV

Description of Post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appealate Authority
		Authority	Penalties	
I	2	3	4	5
<i>Civil Aviation Department (Headquarters Office)</i>				
All posts	Assistant Director of Administration	Assistant Director of All Administration	All	Director of Administration.
<i>Air Routes & Aerodromes Organisation Office of the Controller of Aerodromes and Aerodrome Offices in Charge of Non-gazetted Officers.</i>				
All posts	Senior Aerodrome Officer	Senior Aerodrome Officer	All	Controller of Aerodromes
<i>Aerodrome Office in Charge of Gazzeted Officer</i>				
All posts	Senior Aerodrome or Aerodrome or Assistant Aerodrome Officer or Assistant Communication Officer or Assistant Technical Officer concerned	Senior Aerodrome or All Aerodrome or Assistant Aerodrome Officer or Assistant Communication Officer or Assistant Technical Officer concerned	All	Controller of Aerodrome
<i>Office of the Electrical and Mechanical Officer</i>				
All posts	Electrical and Mechanical Officer	Electrical and Mechanical Officer	All	Controller of Aerodromes.
<i>Aeronautical Communication Organisation, Office of the Controller of Communication and Communication Station-in-Charge of Non-gazetted officer</i>				
All posts	Senior Communication officer or Senior Technical Officer.	Senior Communication Officer or Senior Technical Officer.	All	Controller of Communication.
<i>Office of the Controller of Central Radio Stores Depot</i>				
All posts	Senior Communication Officer	Senior Communication Officer	All	Controller of Central Radio Stores Depot.
<i>Radio Construction and Development Units</i>				
All posts	Senior Technical Officer	Senior Technical Officer	All	Director, Radio Construction and Development Unit.
<i>Communication Stations-in-Charge of Gazzeted Officers.</i>				
All posts	Officer-in-Charge	Officer-in-Charge	All	Controller of Communications concerned.
<i>Aeronautical Inspection Organisation including Overhaul/Calibration Units</i>				
All posts	Senior Aircraft Inspector	Senior Aircraft Inspector	All	Controller of Aeronautical Inspection.
<i>Other Sub-Aeronautical Inspection Offices under the charge of Senior Aircraft Inspector or an Aircraft Inspector</i>				
All posts	Senior Aircraft Inspector or Aircraft Inspector	Senior Aircraft Inspector or Aircraft Inspector	All	Controller of Aeronautical Inspection concerned.
<i>Civil Aviation Training Centre</i>				
All posts	Instructor-in-Charge, A.T.S.	Instructor-in-Charge, A.T.S.	All	Principal, Civil Aviation Training Centre.
<i>Gliding Centres</i>				
All posts	Controller of Aeronautical Inspection or Controller of Aerodromes concerned.	Controller of Aeronautical Inspection or Controller of Aerodromes concerned	All	Director of Administration.
		Instructor-in-Charge	(f) to (j)	Controller of Aerodromes or Controller of Aeronautical Inspection concerned.

1	2	3	4	5
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Central Examination Organisation

All posts	Deputy Director, Central Examination Organisation.	Deputy Director, Central Examination Organisation.	All	Director of Administration.
<i>Director of Aircraft Inspection, Kanpur</i>	All posts	Senior Scientific Officer	Senior Scientific Officer	All

NOTE:—In case an employee specified in column 1 of this Schedule has been appointed prior to the publication of this notification in the official gazette by an authority higher in rank to the authority specified in column 2, then no penalty specified in clauses (v) to (ix) of rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 shall be imposed upon that employee by any authority subordinate to the first mentioned authority.

[No. C-11021/1/72-VE.]

T. ARUMUGHAM, Dy. Secy.

के संबंध में, कालम 2 में विनिर्दिष्ट प्राधिकारी नियुक्ति प्राधिकारी होगा तथा कालम 3 व 5 में विनिर्दिष्ट प्राधिकारी कालम 4 में विनिर्दिष्ट शास्तियों के संबंध में क्रमशः अनुशासनिक प्राधिकारी तथा अपीली प्राधिकारी होंगे।

अनुसूची

भाग I—सामान्य केन्द्रीय सेवा, श्रेणी-II

पद का विवरण नियुक्ति प्राधिकारी शास्ति प्रारोपित करने के लिए सभी प्राधिकारी तथा उसके द्वारा प्रारोपित की जाने वाली शास्तियाँ (नियम 11 के अंतर्गत मद संभाषणों के सन्दर्भ में)

प्राधिकारी शास्तियाँ

नागर विमानन विभाग

सभी पद नागर विमानन महानिदेशक नागर विमानन सभी महानिदेशक

भाग II—सामान्य केन्द्रीय सेवा श्रेणी III

पद का विवरण

नियुक्ति प्राधिकारी

शास्ति प्रारोपित करने के लिये सभी प्राधिकारी प्राधिकारी तथा उसके द्वारा प्रारोपित की जाने वाली शास्तियाँ (नियम II के अंतर्गत मद संभाषणों के सन्दर्भ में)

प्राधिकारी

शास्तियाँ

(1)

(2)

(3)

(4)

(5)

नागर विमानन विभाग

(मुख्यालय)

सभी पद

निदेशक, प्रशासन]

निदेशक, प्रशासन

सभी

नागर विमानन महानिदेशक

(1)	(2)	(3)	(4)	(5)
हवाई मार्ग तथा विमानक्षेत्र संगठन				
सभी पद	निदेशक, प्रशासन	निदेशक, प्रशासन	सभी	नागर विमानन महानिदेशक
वैमानिक संचार संगठन				
पेटर ; बेतार मैकेनिक ; क्रिस्टल मैकेनिक ; उपकरण मैकेनिक ; औजार मैकेनिक ; विजली मिस्ट्री ; फिटर ; टर्नर ; बेल्डर ; लुहार तथा टीनकार	निदेशक, रेडियो निर्माण तथा विकास यूनिट	निदेशक, रेडियो निर्माण भवा तथा विकास यूनिट	सभी	नागर विमानन महानिदेशक
अन्य पद	निदेशक, प्रशासन	निदेशक, प्रशासन संबंधित नियंत्रक	सभी (i) से (iv)	नागर विमानन महानिदेशक
ग्रोवरहॉल यूनिट/शोधन यूनिट				
महित वैमानिक निरीक्षण संगठन				
सभी पद	निदेशक, प्रशासन	निदेशक, प्रशासन संबंधित वैमानिक निरीक्षण नियंत्रक	सभी (i) से (iv)	नागर विमानन महानिदेशक निदेशक, प्रशासन
नागर विमानन प्रशिक्षण केन्द्र				
सभी पद	निदेशक, प्रशासन	निदेशक, प्रशासन प्रश्नाताचार्य, नागर विमानन प्रशिक्षण केन्द्र	सभी (i) से (iv)	नागर विमानन महानिदेशक निदेशक, प्रशासन
ग्लाइडिंग केन्द्र				
सभी पद	निदेशक, प्रशासन	निदेशक, प्रशासन संबंधित विमानक्षेत्र नियंत्रक वैमानिक निरीक्षण नियंत्रक	सभी (i) से (iv)	नागर विमानन महानिदेशक निदेशक, प्रशासन
केन्द्रीय परीक्षा संगठन				
सभी पद	निदेशक, प्रशासन	निदेशक, प्रशासन उप-निदेशक, केन्द्रीय परीक्षा संगठन	सभी (i) से (iv)	नागर विमानन महानिदेशक निदेशक, प्रशासन
निदेशक, विमान निरीक्षण, कालपुर				
सभी पद	निदेशक, प्रशासन	निदेशक प्रशासन निदेशक, विमान निरीक्षण	सभी (i) से (iv)	नागर विमानन महानिदेशक नागर विमानन महानिदेशक

भाग III—सामान्य केन्द्रीय सेवा, श्रेणी IV

पद का विवरण	नियुक्ति प्राप्तिकारी	शास्ति आरोपित करने के लिए सक्षम अपीली प्राप्तिकारी		
(1)	(2)	(3)	(4)	(5)
नागर विमानन विभाग (मुख्यालय)		प्राप्तिकारी	शास्तिभां	
सभी पद	सहायक निदेशक, प्रशासन	सहायक निदेशक, प्रशासन	सभी	निदेशक, प्रशासन

(1)	(2)	(3)	(4)	(5)
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हथाई मार्ग तथा विमानक्षेत्र संगठन, विमानक्षेत्र नियंत्रक का कार्यालय तथा अराजपत्रित अधिकारियों के कार्यभारी विमानक्षेत्र कार्यालय	प्रबल विमानक्षेत्र अधिकारी	प्रबल विमानक्षेत्र अधिकारी	सभी	विमानक्षेत्र नियंत्रक
सभी पद	संबंधित प्रबल विमानक्षेत्र या सहायक विमानक्षेत्र या सहायक संचार अधिकारी या सहायक तकनीकी अधिकारी	संबंधित प्रबल विमानक्षेत्र या सहायक विमानक्षेत्र या सहायक संचार अधिकारी या सहायक तकनीकी अधिकारी	सभी	विमानक्षेत्र नियंत्रक
राजपत्रित अधिकारियों के कार्यभारी विमानक्षेत्र कार्यालय	वैद्युत तथा यांत्रिक अधिकारी का कार्यालय	वैद्युत तथा यांत्रिक अधिकारी वैद्युत तथा यांत्रिक अधिकारी	सभी	विमानक्षेत्र नियंत्रक
सभी पद	वैमानिक संचार संगठन, संचार नियंत्रक, का कार्यालय तथा अराजपत्रित अधिकारियों के कार्यभारी संचार स्टेशन	वैद्युत तथा यांत्रिक अधिकारी वैद्युत तथा यांत्रिक अधिकारी	सभी	विमानक्षेत्र नियंत्रक
सभी पद	प्रबल संचार अधिकारी या प्रबल तकनीकी अधिकारी	प्रबल संचार अधिकारी या प्रबल तकनीकी अधिकारी	सभी	संचार नियंत्रक
केन्द्रीय रेडियो स्टोर डिपो के नियंत्रक का कार्यालय	प्रबल संचार अधिकारी	प्रबल संचार अधिकारी	सभी	केन्द्रीय रेडियो स्टोर डिपो के नियंत्रक
सभी पद	प्रबल तकनीकी अधिकारी	प्रबल तकनीकी अधिकारी	सभी	रेडियो निर्माण संस्था विकास यूनिटों के मिवैशक
राजपत्रित अधिकारियों के कार्यभारी संचार स्टेशन	कार्यभारी अधिकारी	कार्यभारी अधिकारी	सभी	संबंधित संचार नियंत्रक
सभी पद	कार्यभारी अधिकारी	कार्यभारी अधिकारी	सभी	संबंधित संचार नियंत्रक
प्रोवरहूल/शोधन यूनिटों सहित वैमानिक निरीक्षण संगठन	प्रबल विमान निरीक्षक	प्रबल विमान निरीक्षक	सभी	वैमानिक निरीक्षण नियंत्रक
सभी पद	प्रबल विमान निरीक्षक	प्रबल विमान निरीक्षक	सभी	वैमानिक निरीक्षण नियंत्रक
प्रबल विमान निरीक्षक या विमान निरीक्षक के कार्यभार के प्रभतर्गत ग्रन्थ उत्तर-वैमानिक निरीक्षण काय सिथ	प्रबल विमान निरीक्षक या विमान निरीक्षक	प्रबल विमान निरीक्षक या विमान निरीक्षक	सभी	संबंधित वैमानिक निरीक्षण नियंत्रक
सभी पद	प्रबल विमान निरीक्षक या विमान निरीक्षक	प्रबल विमान निरीक्षक या विमान निरीक्षक	सभी	संबंधित वैमानिक निरीक्षण नियंत्रक

(1)

(2)

(3)

(4)

(5)

नागर विमान प्रशिक्षण केन्द्र

सभी पद

ग्राहिंग केन्द्र

सभी पद

केन्द्रीय परीक्षा संगठन

सभी पद

मिश्रक, विमान निरीक्षण,

कानपुर

सभी पद

विमान यातायात सेवाओं के

कार्यभारी प्रशिक्षक

संबंधित वैमानिक निरीक्षण

के नियंत्रक या विमानशेत्र
नियंत्रक]

उप-निदेशक, केन्द्रीय परीक्षा

संगठन

प्रबर वैज्ञानिक अधिकारी

विमान यातायात सेवाओं सभी

के कार्यभारी प्रशिक्षक

मंबंधित वैमानिक निरीक्षण

के नियंत्रक या विमानशेत्र
नियंत्रक

कार्यभारी प्रशिक्षक

प्रधानाचार्य, नागर विमान

प्रशिक्षण केन्द्र

(i) से (iv) संबंधित विमानशेत्र नियंत्रक

या विमानिक निरीक्षण

नियंत्रक

MINISTRY OF INDUSTRIAL DEVELOPMENT

(Indian Standards Institution)

New Delhi, the 22nd February 1972

S.O. 2396.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are mentioned in the Schedule given hereafter, have been cancelled:

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Cancelled	No. and Date of Gazette Notification in which Establishment of the Indian Standard was Notified
1.	IS : 76-1950 Specification for linseed oil, refined, for paints	S.R.O. 658 dated 26 March 1955, published in the Gazette of India, Part II, Section 3, dated 26 March, 1955.
2.	IS : 558-1954 Specification for linseed oil, pharmaceutical.	S.R.O. 829 dated 11 April 1955, published in the Gazette of India, Part II, Section 3, dated 16 April 1955.
3.	IS : 3474B-1966 Specification for solvent-extracted linseed oil.	S.O. 3011 dated 23 September 1966, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 8 October, 1966.

[No. CMD/13.7]

B.S. KRISHNAMECHAR,
Deputy Director General.

स्त्रीयोगिक विकास तथा कम्पनी मामलों का भवालय

(भारतीय मानक संस्था)

नई दिल्ली, 22 फरवरी, 1968

एस० ओ० 2396.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 5 के उपविनियम (1) के प्रनुसार भारतीय मानक संस्था द्वारा प्रधिसूचित किया जाता है कि नीचे प्रनुसूची में जिन भारतीय मानकों के ब्यौरे दिये गये हैं, रद्द कर दिये गये हैं :

प्रनुसूची

कम संख्या रद्द किये गये भारतीय मानक का पदनाम तथा शीर्षक भारत के राजपत्र की अधिसूचना संख्या और दिनांक जिसमें भारतीय मानक के निर्धारण की सूचना प्रकाशित हुई थी

1. IS : 76—1950 रंग रोगन के लिए परिष्कृत अलसी के तेल की विशिष्टि भारत के राजपत्र भाग II खण्ड 3, विनांक 26 मार्च, 1955 में प्रकाशित एस० ओ० 658, दिनांक 26 मार्च, 1955
2. IS : 558—1954 ग्रौषधीय अलसी के तेल की विशिष्टि भारत के राजपत्र भाग II खण्ड 3, दिनांक 16 अप्रैल, 1955 में प्रकाशित एस० ओ० 829, दिनांक 11 अप्रैल, 1955
3. IS : 3474इ—1966 घोलकों द्वारा निकाले गये अलसी भारत के राजपत्र भाग II खण्ड 3, उपखण्ड (2), दिनांक 8 अक्टूबर, 1966 में प्रकाशित एस० ओ० 3011, दिनांक 23 सितम्बर, 1966

[स० सी एम डी/13:7.]

बी० एस० कृष्णमाचार,
उपमहानिशादेशक ।

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 1st July, 1969

B.O. 2397.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that the Indian Standard (s) particulars of which are mentioned in the Schedule given hereafter, have been established during the period 16 to 30 June 1969 :

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standards Established	No. & Title of the Indian Stand- ard if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1.	IS : 28-1969 Specification for phosphor bronze ingots and castings (second revision).	IS : 28-1958 Specification for phosphor bronze ingots and castings (revised).	This standard covers the requirements of two grades of phosphor bronze ingots and castings designated as PCuSn7 and PCuSn10. (Price Rs. 4.00)
2.	IS : 271-1969 Grading of white, <i>tossa</i> and <i>daissee</i> uncut Indian jute (first revision).	IS : 271-1950 Grading of raw jute kutch assortments.	This standard covers the grading of white <i>TOSSA</i> and <i>DAISEE</i> jute from which the roots have not been cut. (Price Rs. 3.50).
3.	*IS : 1184-1968 Specification for maize starch for use in the cotton textile industry (first revision).	*IS : 1184-1957 Specification for maize starch for use in the cotton textile industry.	This standard prescribes requirements of maize starch as manufactured by the sulphitation process for use in the cotton textile industry as a sizing and finishing material (price Rs. 6.00).
4.	*IS : 1703-1968 Specification for ball valves (horizontal plunger type) including floats for water supply purposes (first revision).	*IS : 1703-1962 Specification for ball valves (horizontal-plunger type) including floats for water supply purposes.	This standard lays down requirement regarding sizes, material manufacture and workmanship, weight and testing of ball valves (horizontal plunger type) including floats for water supply purposes (Price Rs. 6.00).

*For purposes of the Indian Standards Institution Certification Marking Scheme, IS : 1184-1968 and IS : 1703-1968 shall come into force with effect from 1 July 1969 while IS : 2474-1968 will effect from 1 August 1969.

(1)	(2)	(3)	(4)
5.	IS : 2448 (Part II)-1968 Specification for adhesive insulating tapes for electrical purposes. [*]	—	This standard covers adhesive insulating tapes for electrical purposes with pvc substrates to be used for holding, binding and insulating in electrical applications (Price Rs. 6.50).
6.	Part II tapes with PVC substrates. 6. *IS : 2474-1968 Specification for closures for drums.	—	This standard prescribes the requirements for closures for drums. The following types of closures are covered : (a) 75-and 100-mm separate neck with inner plug and capseal; (b) 32-and 44-mm tapered spout with inner plug and capseal; (c) Integral neck with plug and capseal; (d) Lever lid, tight fit; and (e) Screw-on type brass bung and fauce (Price Rs. 4.00).
7.	IS : 2591-1969 Specification for hot rolled bars for threaded components (first revision).	IS : 2591-1964 Specification for hot rolled bars for threaded components.	This standard prescribes the sizes and tolerances of hot rolled bars for the manufacture of threaded components (Price Rs. 2.00).
8.	IS : 4808-1968 Specification for pyrethrum emulsifiable concentrates.	—	This standard prescribes the requirements and the methods of test for pyrethrum emulsifiable concentrates containing various percentages of total pyrethrins (Price Rs. 6.50).
9.	IS : 4831-1968 Recommendation on units and symbols for refrigeration.	—	This standard recommends units and symbols to be used in refrigeration (Price Rs. 5.50).
10.	IS : 4878-1968 Byelaws for construction of cinema buildings.	—	This code deals with the standard provisions and requirements for safe and stable design, desirable acoustical and visibility conditions, methods of construction, and sufficiency of materials in structures and regulations for maintenance of equipment use and occupancy of places exhibiting cinematographic films (Price Rs. 12.50).
11.	IS : 4905-1968 Methods for random sampling.	—	This standard lays down general procedures for the selection of items from a lot on an objective basis by using random sampling techniques. It also describes the methods of calculation of simple estimates like mean and proportion of defective from the sample data (Price Rs. 9.00).
12.	4920-1968 Glossary of terms applicable to roof coverings.	—	This standard deals with terms commonly used for various processes of roof coverings and are covered in seven sections (Price Rs. 7.00).
13.	IS : 4928-1968 Specification for quick closing clack-valve for centrifugal pump outlet.	—	This standard lays down the requirements regarding material, shape and dimensions, construction and tests for quick closing, clack-valve for centrifugal pump outlet (Price Rs. 3.50).
14.	IS : 4949-1968 Specification for 2 Amp switches for domestic and similar purposes	—	This standard specifies requirements for manually operated 2-Amp single pole one-way switches, such as tumbler, push button and other types for domestic and similar purposes, for incorporation in cords, lamp-holders or for mounting on or in appliances or accessories where tappings cannot be taken, suitable for use on ac or dc circuits at rated voltages not exceeding 250 V (Price Rs. 6.50).
15.	IS : 4965-1968 Specification for inter-lock-knitted cotton vests	(i) IS : 2755-1964 Specification for plain and inter-lock knitted cotton vests, and (ii) IS : 2556-1966 Specification for plain knitted sleeveless cotton vests.	This standard prescribes the requirements of grey, scoured or bleached interlock-knitted cotton vests. (Price Rs. 5.00).

*For purposes of the Indian Standards Institution Certification Marking Scheme, IS 1184-1968 and IS 1703-1968 shall come into force with effect from 1 July 1969 while IS 2474-1968 with effect from 1 August 1969.

(1)	(2)	(3)	(4)
16.	IS : 4986-1968 Code of practice for installation of raingauge (non-recording type) and measurement of rain.	—	This standard covers the details regarding the installation of raingauge (non-recording type), method of measurement and recording of precipitation (Price Rs. 5.50).
17.	IS : 4987-1968 Recommendations for establishing network of raingauge stations.	—	This standard lays down recommendation for distribution, density and representativeness of network of raingauge stations for rainfall study (Price Rs. 3.50).
18.	IS : 4994-1968 Specification for forceps, redressing, Walsham's, right, left and straightening.	—	This standard covers the requirements of Walsham's redressing forceps, right, left and straightening. (Price Rs. 2.50)
19.	IS : 5019-1968 Specification for lubricating plugs.	—	This standard specifies the requirement for lubricating plugs (Price Rs. 2.50).
20.	IS : 5053-1969 Dimensions for rough copper and copper alloy rods for fasteners.	—	This standard specifies dimensions for copper and copper alloy rods for fasteners (both threaded and nonthreaded) (Price Rs. 1.50).
21.	IS : 5063-1969 Specification for TUR husk.	—	This standard prescribes the requirements and the methods of sampling and test for TUR husk meant for livestock feeding (Price Rs. 1.50).

These Indian Standards are available for sale with the Indian Standards Institution, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 534 Sardar Vallabhbhai Patel Road, Bombay-7 (ii) 5 Chowinghee Approach Road Calcutta-13 (iii) 54 General Patters Road, Madras-2 (iv) 117/418 B, Sarvodaya Nagar, Kanpur and (v) 5-9-201/2 Chirag Ali Lane, Hyderabad-1.

[No.CMD/13:20]

(ग्रीष्मोगिक विकास विभाग)

भारतीय मानक संस्था

नई दिल्ली, 1 जुलाई, 1969

क्र. ०. आ० २३९७:—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विद्यम 3 के उपविनियम (2) और (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि नीचे अनुसूची में जिन भारतीय मानकों के बारे दिए यह हैं, वे 16 से 30 1969 की अवधि में निर्धारित किए गए हैं:

अनुसूची

क्रमांक निर्धारित भारतीय मानक की पद संख्या नए भारतीय मानक द्वारा रद्द हुए भारतीय
मानक यदि हों, की पद संख्या और शीर्षक

संक्षिप्त विवरण

(1)	(2)	(3)	(4)
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1. IS : 28—1969 फास्फर कासे के इंगट और ढली वस्तुओं की विशिष्टि (बूसरा पुनरीक्षण) IS : 28—1958 फास्फर कासे के इंगट और ढली वस्तुओं की विशिष्टि इस मानक में फास्फर कासे के इंगटों और ढली वस्तुओं के दो ग्रेडों PCU SN7 और PCU SP 10 के बारे में अपेक्षाएँ निर्धारित की गई हैं। (मूल्य रु 4.00)

2. IS : 271—1969 सफेद, तोसा और देसी फूली भारतीय पटसन के ग्रेड निर्धारण (पहला पुनरीक्षण) IS : 271—1950 कच्ची पटसन (कच्चे प्रकारों की) का ग्रेड निर्धारण इस मानक में बिना कठी जड़ों वाली सफेद तोसा और देसी पटसन के ग्रेड निर्धारण को लिया गया है। (मूल्य रु 3.50)

(1)	(2)	(3)	(4)
3. *IS : 1184—1968 सूती वस्त्रादि उद्योग में उपयोग के लिए भक्ते की माझ शीर्षिष्ट (पहला पुनरीक्षण)	*IS 1184—1957 सूती वस्त्रादि उद्योग में उपयोग के लिए भक्ते की माझ की विशिष्टि		इस मानक में सूती वस्त्रादि उद्योग में माझ लगाने तथा फिरिसि देने की सम्बन्धी के रूप में उपयोग किये जाने वाले भक्ते के माझ के विषय में अपेक्षाएं निर्धारित की गई हैं। यह माझ सलफाइटीकरण विधि, व्हारा तैयार किया जाता है। (मूल्य ₹ 6.00)
4. *IS : 1703—1968 जल वितरण कार्यों के लिए तैरने वाले गोलों सहित गोलीनुमा वाल्व (क्षैतिज प्लंजरनुमा) की विशिष्टि (पहला पुनरीक्षण)	*IS : 1703—1962 जल वितरण कार्यों के लिए तैरने वाले गोलों सहित गोलीनुमा वाल्व (क्षैतिज प्लंजरनुमा) की विशिष्टि		इस मानक में जल वितरण में काम आने वाले तैरने वाले गोलों के साथ गोलीनुमा वाल्वों (क्षैतिज प्लंजरनुमा) के विषय में साइज़, सामग्री, निर्माण और कारीगरी, तोल और परीक्षण सम्बन्धी अपेक्षाएं नियत की गई हैं। (मूल्य ₹ 6.00)
5. *IS : 2448 (भाग 2)—1968 विजसी के कार्यों के लिए चिपकने वाले रोधन टेपों की विशिष्टि भाग 2 नीचे पी और सी की परत लगे टेप	—		इस मानक में विजसी के साधनों में वस्तुओं को मिलाये रखने, जोड़ने और रोधन केने के काम में आने वाले नीचे पी और सी की परत लगे चिपकने वाले रोधन टेपों के विषय में अपेक्षाएं दी गई हैं। (मूल्य ₹ 6.50)
6. *IS : 2474—1968 इपों पी और सी करने के उपकरण	—		इस मानक में इपों के उपकरणों के विषय में अपेक्षाएं दी गई हैं। इसमें निम्नलिखित प्रकार के उपकरणों को लिया गया है: (क) 75 और 100 मिमी की लम्बाग गर्डेन वाले भीतरी उपकरण और उपकरण लगे, (ख) 32 और 44 मिमी के गवाहुम गर्डेन वाले भीतरी उपकरण और उपकरण लगे, (ग) समेकित गर्डेन वाले भीतरी उपकरण और उपकरण लगे, (घ) कस कर बैठने वाले सीपर में छुलने वाले, और (झ) चूड़ी से बैठने वाले पीतल की टेक्की गर्डेन वाले चूड़ीदार डाट लगे। (मूल्य ₹ 4.00)
7. *IS : 2591—1969 चूड़ीदार पुजों के लिए गर्म रोल्ड सरिया की विशिष्टि (पहला पुनरीक्षण)	*IS : 2591—1964 चूड़ीदार पुजों के लिए गर्म रोल्ड सरिया की विशिष्टि		इस मानक में चूड़ी वाले पुजों बनाने के लिए गर्म रोल्ड सरिया की साइज़ और छूटें निर्धारित की गई हैं। (मूल्य ₹ 2.00)
8. *IS : 4808—1968 पायरेप्लम के पायसनीय तेज ब्रव की विशिष्टि	—		इस मानक में पायरेप्लम के पायसनीय तेज ब्रव के विषय में अपेक्षाएं और परीक्षण पद्धतियां दी गई हैं। इस तेज ब्रव में कुल पायरेप्लमों का प्रतिशत भिन्न-भिन्न होता है। (मूल्य ₹ 6.00)

*भा मा संस्था प्रमाणन मुहर योजना के लिए : 2474—1968, 1 अगस्त, 1969 से लागू होगा।

(1)	(2)	(3)	(4)
9. IS : 4831—1968 प्रशीतन की इकाईयों और प्रतीकों सम्बन्धी सिफारिशें	—	इस मानक में प्रशीतन में काम में आने के लिए इकाईयों और प्रतीकों के सम्बन्ध में सिफारिशें दी गई हैं। (मूल्य ₹ 5.50)	
10. IS : 4878—1968 सिनेमा की इमारतों के निर्माण सम्बन्धी उपनियम	—	इस संहिता में सुरक्षापूर्ण और टिकाऊ डिजाइन, अवनि और दृश्यता सम्बन्धी वांछनीय स्थितियों, निर्माण पद्धतियों, आगारों के लिए सामग्रियों की प्राप्ति और उपकरणों के रख-रखाव के नियमों, सिनेमा की फिल्में खिलाने वाले स्थानों के उपयोग के विषय में व्यवस्थाएँ और अपेक्षाएँ दी गई हैं। (मूल्य ₹ 12.50)	
11. IS : 4905—1968 बानगी लेने की समसम्भाव्य पद्धति	—	इस मानक में किसी राशि में से बानगी लेने की समसम्भाव्य तकनीकी का उपयोग करते हुए वस्तुओं के चुनाव की सामान्य विधियां दी गई हैं। इसमें बानगी के आंकड़ों से साधारण अनुमान्य तथ्यों जैसे विकृत वस्तुओं का माछ्य और प्रौसत निकालने की पद्धति भी बताई गई है। (मूल्य ₹ 9.00)	
12. IS : 4920—1968 छत की छाजनों से सम्बन्धित प्रब्लेम्स	—	इस मानक में छत की छाजनों से सम्बन्धित विभिन्न प्रक्रियाओं में सामान्य रूप से प्रयुक्त तकनीकी शब्द सात अनुभागों में दिए गए हैं। (मूल्य ₹ 7.00)	
13. IS : 4928—1968 आपसारी पम्प के मुँह (आउटलेट) के लिए शीघ्र बंद होने वाले क्लैक-चाल्व की विशिष्टि	—	इस मानक में आपसारी पम्पों के मुँह में लगने वाले शीघ्र बंद होने वाले क्लैक-चाल्वों में लगने वाली सामग्री, आकृति माप निर्माण और परीक्षण विषयक अपेक्षाएँ दी गई हैं। (मूल्य ₹ 3.50)	
14. IS : 4949—1968 घरेलू तथा अन्य कार्यों के लिए 2-अम्पी फ्यूजों की विशिष्टि	—	इस मानक में घरेलू तथा अन्य ऐसे ही कार्यों के लिए 250 वो० से अधिक वोल्टता पर रेटिंग ए सी अथवा डी सी परिपथों पर काम आने के उपयुक्त, हाथ से चलने वाले 2-अम्पी इकहरे पोल वाले बन-वे स्विचों जैसे टम्बलर, पुश बटन तथा अन्य ऐसे ही प्रकार के स्विचों, के विषय में अपेक्षाएँ निर्धारित की गई हैं। ये स्विच डॉरियों और लैम्प होल्डरों के साथ लगाने अथवा बिजली के साधनों तथा ऐसे सहायक ग्रंथों में लगाने के काम आते हैं जिनमें टैपिन न की जा सकती हो। (मूल्य ₹ 6.50)	

(1)	(2)	(3)	(4)
15. IS : 4965—1968 इंटरलॉक बुनाई वाली मूर्ती बनियान की विशिष्टि	(1) IS : 2755—1964 सादी और इंटरलॉक बुनाई वाली मूर्ती बनियानों की विशिष्टि ; (2) IS : 3556—1966 सादी बुनाई वाली बिना बाजू वाली मूर्ती बनियानों की विशिष्टि	इस मानक में खुदरंग, धुली हुई अथवा प्रक्षालित इंटरलॉक बुनाई वाली मूर्ती बनियानों के विषय में अपेक्षाएँ निर्धारित की गई हैं। (मूल्य ₹ 5.00)	
16. IS : 4987—1968 वर्षमापियों (अनाभिलेखी प्रकार के) के संस्थापन और वर्षमापन की रीति संहिता	—	इस मानक में वर्षमापियों (अनाभिलेखी प्रकार) के संस्थापन, और वर्षा के मापन और अभिलेखन की पद्धति के सम्बन्ध में व्यौरे दिए गए हैं। (मूल्य ₹ 5.50)	
17. IS : 4987—1968 वर्षमापी केन्द्रों का जाल स्थापित करने सम्बन्धी सिफारिशें	—	इस मानक में होने वाली वर्षा के अध्ययन के लिए वर्षमापी केन्द्रों के जाल के विषय में उनके वितरण, उनकी संख्या निर्धारण और क्षेत्र-सम्बरणशीलता के विषय में सिफारिशें दी गई हैं। (मूल्य ₹ 3.50)	
18. IS : 4994—1968 वाल्शम के दाएँ, बाएँ और सीधे रिडेसिंग वाले फोर्मेंस की विशिष्टि	—	इस मानक में वाल्शम के दाएँ, बाएँ और सीधे रिडेसिंग वाले फोर्मेंस के विषय में अपेक्षाएँ निर्धारित की गई हैं। (मूल्य ₹ 2.50)	
19. IS : 5019—1968 स्नेहक प्लगों की विशिष्टि	—	इस मानक में स्नेहक गर्नों में लगने वाले प्लगों के विषय में अपेक्षाएँ दी गई हैं। (मूल्य ₹ 2.50)	
20. IS : 5053—1969 बंधक (फासनसं) के लिए पिटवां तांबा और तांबा मिश्रधातु की सरिया के माप	—	इस मानक में बंधकों (चूड़ीदार और बिना चूड़ी वाले) के बनाने के लिए प्रयुक्त तांबा और तांबा मिश्रधातु की सरिया के विषय में माप निर्धारित किए गए हैं। (मूल्य ₹ 1.50)	
21. IS : 5063—1969 तूर के छिलके की विशिष्टि	—	इस मानक में पाण्प्रों के आहार के काम आने वाली तूर के छिलके की बानगी लेने तथा परीक्षण की पद्धतियों तथा अन्य अपेक्षाएँ निर्धारित की गई हैं। (मूल्य ₹ 1.50)	

इन भारतीय मानकों की प्रतियां भारतीय मानक संस्था 9, बहादुरशाह जफर मार्ग, नई दिल्ली—1, और उसके शाखा कार्यालयों (1) साधना नूरमोहम्मद शेख मार्ग, खानपुर, अहमदाबाद—1, (2) मिडीकेट बैंक बिल्डिंग, गांधी नगर, बंगलौर—9, (3) 534, सरदार बल्लभ भाई पटेल रोड, बम्बई—7, (4) 5, चौरंगी एंप्रोन रोड, कलकत्ता—13, (5) 5—9—201/2, चिरागगढ़ी लेन, हैवराबाद—1 (6) 117/418-बी, सर्वोदय नगर, काजपुर—5 और (7) 54 जनरल पैटर्सन रोड, मद्रास—2 से खरीदी जा सकती हैं।

New Delhi, the 21st April 1970

S. O. 2398.—In exercise of the powers conferred on me under sub-regulation (4) of regulation 3 of Indian Standards Institution (Certification Marks) Regulations, 1955 as amended from time to time, modification to the provision of the Indian Standard, details of which are mentioned in the Schedule given hereby, has tentatively been made with a view to expediting the use of the Standard Mark, without in any way affecting the quality of goods covered by the relevant standard.

This modification shall come into force with immediate effect :

THE SCHEDULE

Sl No.	No. and Title of Indian Standard, the Provisions of which have been modified	Number(s) of the Existing Clauses Affected	Particulars of the Modifications Made to the Provisions
(1)	(2)	(3)	(4)
1	IS:3390-1965 Specification for sphygmomanometers. mercurial	Clause 4.8.5 pertaining to Control Valve.	First sentence has been replaced by the following : “Control Valve shall have a knurled thumb control device which shall be so attached that it does not become completely uncrewed.”

[No. CMD/13:4]

नई विल्सी, 21 अप्रैल, 1970

एस० ओ० 2398.—समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 3 के उपविनियम (4) के अधीन मुक्तको प्राप्त शक्तियों के आधार पर नीचे जिस भारतीय मानक के ब्यौरे अनुसूची में दिए गए हैं, उसमें मानक चिह्न लगाने के कार्य में गति लाने के उद्देश्य से उसमें कुछ परिवर्तन परीक्षण के लिए किया गया है। इस परिवर्तन से तत्सम्बन्धी भारतीय मानक के अधीन माल की किसी पर कोई प्रभाव नहीं पड़ेगा और यह परिवर्तन तुरन्त ही लागू हो जाएगा :

अनुसूची

क्रम भारतीय मानक की संख्या और शीर्षक, प्रभावित वर्तमान उपबन्धों की संख्या भारतीय मानक के उपबन्धों में किए गए संख्या जिसके उपबन्धों का संशोधन किया गया है

1. IS: 3390—1965 पारे वाले रक्त- नियन्त्रण वाल्व से सम्बन्धित खण्ड पहले वाक्य के स्थान पर निम्नलिखित किया वाप सापियों की विशिष्ट 4.8.5

गया है :
“नियन्त्रण वाल्व में अंगूठे द्वारा चालित एक दनदानेदार नियन्त्रण युक्त होगी, जो इस प्रकार जुड़ी होगी कि भुमाने से वह पूरी खुल कर निकल न भाए।”

[स० सी० एम० डी०/13:4]

New Delhi, the 12th August 1970

S. O. 2399:—In pursuance of regulation 4 of the Indian standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that amendment (s) to the Indian Standard (s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Sl No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified.	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS :112 1950 Specification for ready mixed paint, spraying, un-decorating, exterior, to Indian Standard colours.	S. R. O. 658 dated 26 March 1955	No. 2 May 1970	[Page 3, Table I, Sl No. No. (xi), 1 May Col 3]—Substitute '30° C' for '35° C (95° F)'.	1970
	No. 101 Sky blue				
	No. 216 Eau-de-nil				
	No. 352 Pale cream				
	No. 358 Light buff and white				
	No. 443 Salmon pink				
	No. 632 Dark admiralty grey				

(1)	(2)	(3)	(4)	(5)	(6)
2.	IS : 113-1950 Specification for ready mixed paint, brushing, under-coating, interior, to Indian Standard colours, No. 101 Sky blue, No. 216 Eau-de-nil, No. 352 Pale cream, No. 388 Light buff and white, No. 443 Salmon pink, No. 632 Dark admiralty grey	S. R. O. 658 dated 26 March 1955	No. 3 May 1970	[Page 3, Table I, SI No. (x) col 3]-Substitute '30°C' for 35°C (95°F).	1 May 1970
3.	IS : 157 1950 Specification for ready mixed paint, brushing, acid and alkali resisting, lead-free, for general purposes, to Indian standard colours No. 446 Red oxide, No. 537 Signal red, No. 632 Dark Admiralty grey and black and other colours, as required.	S. R. O. 658 dated 26 March 1955	No. 2 May 1970	[Page 3, Table I, SI No. (xiii), 1 May 1970 Col 3]-Substitute '30°C' for 35°C (or 95°F).	
4.	IS : 337-1952 Specification for varnish finishing interior	S. R. O. 658 dated 26 March 1955	No. 2 April 1970	[Page 3, Table I, SI No. (vii), 1 April 1970 Col 3]-Substitute '30°C' for 35°C (or 95°F).	
5.	IS : 585-1962 Voltages and frequency for ac transmission and distribution systems (Revised)	S. O. 1998 dated 30 June 1962	No. 3 May 1970	Clauses 0.9 and 7.1 have been substituted by new ones.	1 May 1970
6.	IS : 722 (Part III)-1966 Specification for ac electricity meters Part III three-phase whole-current and transformer-operated meters and single-phase two-wire transformer operated meters (First Revision)	S. O. 1325 dated 15 April 1967	No. 2 May 1970	(i) clause 8.10.1.1 has been substituted by a new one, (ii) clause 8.20.2 has been amended and (iii) A new clause 8.6.1.1 has been added.	1 May 1970
7.	IS: 722 (Part IV)-1966 Specification for ac electricity meters Part IV three-phase watthour meters with maximum demand indicator (First Revision)	S. O. 1325 dated 15 April 1967	No. 2 May 1970	(i) Clause 10.11.1 has been substituted by a new one. (ii) clauses 10.12 and 10.21.2 have been amended and (iii) A new clause 10.6.2.1 has been added.	1 May 1970
8.	IS : 722 (Part VI) 1968 Specification for ac electricity meters Part VI var-hour meters	S. O. 2578 dated 20 July 1968	No. 1 May 1970	(i) clause 10.11.1.1 has been substituted by a new one, (ii) clause 10.21.2 has been amended, (iii) A new clause 10.6.1.1 has been added.	1 May 1970
9.	IS : 842-1968 Specification for Smith's swages (First Revision)	S. O. 2578 dated 20 July 1968	No. 2 May 1970	(Page 4, clause 2.1, line 4) Substitute '0.05' for '0.50'	1 May 1970
10.	IS : 848-1957 Specification for synthetic resin adhesives for plywood (Phenolic and aminoplastic)	S. R. O. 211 dated 18 January 1958	No. 1 Feb 1970	A note has been added at the end of Table I	
11.	IS : 873-1956 Specification for liquid glucose	S. R. O. 1796 dated 1 June 1957	No. 2 May 1970	(i) Table I has been amended & (ii) A new clause 7.2.2 has been added.	1 May 1970
12.	IS : 991-1964 Specification for spoons brass and nickel silver (Revised)	S. O. 226 dated 16 January 1965	No. 1 May 1970	Clause 7.2 and Table I have been substituted by new ones	1 May 1970
13.	IS : 1239 (Part I)-1968 Specification for mild steel tubes, tubulars and other wrought steel fittings Part I mild steel tubes (Second Revision)	S. O. 1455 dated 19 April 1969	No 1 April 1970	Clause 17.1 has been amended	10 April 1970
14.	IS : 1576-1967 Specification for solid pressboard for electrical purposes	S. O. 4562 dated 23 December 1967	No. 1 May 1970	(i) clauses 6.4.3 and C-2 have been amended. (ii) clauses 6.4.3.1 and 6.4.3.3 have been substituted by new ones and (iii) A new clause 6.4.3.4 has been added.	1 May 1970

(1)	(2)	(3)	(4)	(5)	(6)
15.	IS : 2556 (Part IX)-1967 Specification for vitreous sanitary appliances (vitreous China) Part IX specific requirements of bidets (First Revision)	S. O. 2766 dated 10 August 1968	No. 1 April 1970	(Page 5, Fig 1)—Substitute 'HOLE 10 April (OPTIONAL) OF 25 FOR 1970 LARGE SIZE ONLY' for '25 HOLE OPTIONAL'.	
16.	IS : 2986-1964 Specification for steel castings for marine engines and boilers	S. O. 2042 dated 26 June 1965	No. 1 June 1970	(i) clause 10.1 has been substituted by a new one and (ii) A new clause 10.1.2 has been added	1 June 1970
17.	IS : 3914-1967 Code of practice for selection of ac induction motor starters (voltage not exceeding 1000 volts).	S.O. 4080 dated 18 November 1967	No. 1 May 1970	Thermal overload protective device, that is, eutectic alloy has been included in the specification.	1 May 1970
18.	IS : 4057-1967 Specification for Carpenters metal bodied bench planes.	S.O. 2654 dated 5 August 1967.	No. 2 May 1970	Table 3 has been amended.	1 May 1970.
19.	IS : 4105-1967 Specification for styrene (vinyl benzene).	S.O. 3336 dated 23 September 1967.	No. 1 May 1970	It was found that the chlorine content in the material is always much lower than that specified for both the grades. This anomaly, besides making certain other editorial changes, has been removed through this amendment.	1 May 1970
20.	IS : 4215-1967 Specification for needle bearings.	S.O. 4080 dated 18 November 1967.	No. 1 May 1970	(Page 4, clause 2.2, line 2)— substitute 'IS : 4217-1967*' for 'IS : 1073-1967*'. 1 May 1970	1 May 1970
21.	IS : 4495-1968 Method of measurement of light output of cinematograph projectors (for narrow gauge film).	S.O. 2578 dated 20 July 1968.	No. 1 June 1970.	Clause 4.1 (g) has been amended.	1 June 1970.
22.	IS : 4633-1968 Specification for fixed metallized-paper dielectric capacitor for direct current.	S.O. 4425 dated 14 December 1968.	No. 1 June 1970.	(i) clause 7.1.2 has been amended & (ii) Item (d) under clause 7.1.3 has been deleted.	1 June 1970.

Copies of these amendments are available with the Indian Standards Institution, 'Manak Bhavan', 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch Offices at (i) 534, Sardar Vallabhbhai Patel Road, Bombay-7, (ii) 5, Chowringhee Approach, Calcutta-13, (iii) 54, General Patters Road, Madras-2, (iv) 117/118 B, Sarvodaya Nagar, Kanpur, and (v) 5-9-201/2, Chirag Ali Lane, Hyderabad-1.

[No. CMD/13:5]

नई दिल्ली, 12 अगस्त, 1970

एस० ओ० 2399.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 4 के अनुसार भारतीय मानक संस्था सूचित करती है कि उक्त विनियमों के विनियम 3 के उपविनियम (1) के अनुसार प्राप्त प्रधिकार के ग्राहीन यहाँ अनुमूली में दिए भारतीय मानकों के संशोधन जारी किए गए हैं।

अनुमूली

क्रम	संशोधित भारतीय मानक का संख्या	जिस गट में भारतीय मानक तैयार होने की सूचना छपी थी उसकी संख्या और दिनांक	संशोधन का संक्षिप्त विवरण	संशोधन लागू होने की तिथि
	शीर्षक और संख्या			

(1)	(2)	(3)	(4)	(5)	(6)
1.	IS : 12—1950 भारतीय मानक रंगों के अनुरूप आहर की ओर स्प्रे किए जाने वाले, चिली परत देने के तैयार मिश्रित रंग रोगन की विशिष्टि	एस आर ओ 658 दिनांक 26 मार्च 1955	संख्या 2 मई 1970	(पृ० 3 सारणी 1 क्रम सं० 1 मई 1970 (11) कालम 3) 35° से० (95° फा) के त्यान पर 30° से० कीजिए।	

(1)	(2)	(3)	(4)	(5)	(6)
2. IS : 113—1950	भारतीय मानक रंगों के अनुसूचित निचली परत देने के अंदर बुरुश से लगने वाले तैयार मिश्रित रंग रोगनों की विशिष्टि	एम आर ओ 658 दिनांक 26 मार्च 1955	संख्या 3 मई 1970	(पृ० 3 सारणी 1 क्रम सं० (10) कालम 3) 35° से (95° फा) के स्थान पर 30° से० कीजिए।	1 मई 1970
3. IS : 157—1960	भारतीय मानक रंगों के अनुसूचित सामान्य कार्यों के लिए बुरुश से लगने वाले अस्त और क्षार प्रतिगंधी सीमा मुक्त तैयार मिश्रित रंग रोगन की विशिष्टि	एम आर ओ 658 दिनांक 26 मार्च 1955	संख्या 2 मई 1970	(पृ० 3 सारणी 1 क्रम सं० (13) कालम 3) 35° से० (या 95° फा०) के स्थान पर 30° से० कीजिए।	1 मई 1970
4. IS : 337—1952	भीतर फिनिश देने की वार्निंग की विशिष्टि	एम आर ओ 658 दिनांक 26 मार्च 1955	सं० 2 अप्रैल 1970	(पृ० 3 सारणी 1 क्रम सं० (7) कालम 3) 35° से० (या 95° फा) के स्थान पर 30° से० कीजिए।	1 अप्रैल 1970
5. IS : 585—1962	ए. सी. प्रेपण और वितरण प्रणाली के लिए वोल्टता और आवृत्ति (पुनरीक्षण)	एस ओ 1998 दिनांक 30 जून 1962	सं० 3 मई 1970	0.9 और 7.1 खण्डों के स्थान पर नए खण्ड दिया गया है।	1 मई 1970
6. IS : 722 (भाग 3)—1966	ए. सी. बिजली मोटरों की विशिष्टि, भाग 3 तीन फेजी पूर्णधारा ट्रांसफार्मर चालित मीटर और एक फेजी दो तार ट्रांसफार्मर चालित मीटर (पहला पुनरीक्षण)	एम ओ 1325 दिनांक 15 अप्रैल 1967	सं० 2 मई 1970	(1) खण्ड 8.10.1.1 के स्थान पर नया खण्ड दिया गया है। (2) खण्ड 8.20.2 को संशोधित किया गया है, और (3) नया खण्ड 8.6.1.1 जोड़ा गया है।	1 मई 197
7. IS : 722 (भाग 4)—1966	ए. सी. बिजली मीटरों की विशिष्टि भाग 4 तीन फेजी वाट बंटा मीटर, अधिकतम मार्ग सूचक युक्त	"	"	(1) खण्ड 10.11.1 के स्थान पर नया खण्ड दिया गया है। (2) खण्ड 10.12 और 10.21.2 को संशोधित किया गया है। (3) नया खण्ड 10.6.1 जोड़ा गया है।	"
8. IS : 722 (भाग 6)	ए. सी. बिजली मीटरों की विशिष्टि भाग 6 वाट बंटा मीटर	एम ओ 2578 दिनांक 20 जुलाई, 1968	सं० 1 मई, 1970	(1) खण्ड 10.11.1 के स्थान पर नया खण्ड दिया गया है। (2) खण्ड 10.21.2 को संशोधित किया गया है। (3) नया खण्ड 10.6.1.1 जोड़ा गया है।	1 मई, 1970
9. IS : 842—1966	लोहागों के स्वाजों की विशिष्टि (पहला पुनरीक्षण)	एम ओ 2578 दिनांक 20 जुलाई, 1968	सं० 2 मई, 1970	(पृ० 4, खण्ड 2.1 पंक्ति 4) 0.50 के स्थान पर 0.05 कीजिए।	1 मई, 1970

(1)	(2)	(3)	(4)	(5)	(6)
10. IS: 848—1957 प्लाईवुड के लिए संश्लेषी गल	एस० आर० ओ० 211 दिनांक 18 जनवरी, 1953	सं० 1	सारणी 1 के अन्त में एक नोट जोड़ा गया है।	1 फरवरी, 1970	
11. IS: 873—1956 तरल म्लूकोज की विशिष्टि	एस० आर० ओ० 1796 दिनांक 1 जून, 1957	सं० 2 मई, 1970	(1) सारणी 1 को संशोधित किया गया है। (2) नया खण्ड 7.2.2 जोड़ा गया है।	1 मई, 1970	
12. IS: 991—1964 पीतल और एस० ओ० 226 दिनांक 16 जनवरी, 1965 विशिष्टि (पुनरीक्षण)	सिकेलसिलवर के चम्मचों की विशिष्टि (पुनरीक्षण)	सं० 1 मई, 1970	खण्ड 7.2 और सारणी 1 के स्थान पर नया खण्ड और सारणी दी गई है।	1 मई, 1970	
13. IS: 1239 (भाग 1)—1968 एस० ओ० 1455 दिनांक 19 अप्रैल, 1969	सं० 1 अप्रैल, 1970	खण्ड 17.1 को संशोधित किया गया है।	10 अप्रैल, 1970		
14. IS: 1576—1967 बिजली के कार्यों के लिए ठोस प्रेसबोर्ड	एस० ओ० 4562 दिनांक 23 दिसम्बर, 1967	सं० 1 मई, 1970	(1) खण्ड 6.4.3 और सी-2.1 को संशोधित किया गया है। (2) खण्ड 6.4.3.1 और 6.4.3.3 के स्थान पर नए खण्ड दिए गए हैं। (3) एक नया खण्ड 6.4.3.4 जोड़ा गया है।	1 मई, 1970	
15. IS: 2556 (भाग 9)—1967 एस० ओ० 2766 दिनांक 10 अगस्त, 1968	सं० 1 अप्रैल, 1970	(पृ० 5 आकृति 1) '25 होल अप्पेनल' के स्थान पर बड़े आकार के लिए 25 का होल (अप्पेनल)' कर लिया जाए।	10 अप्रैल, 1970		
16. IS: 2986—1964 ममुद्री इंजिनों श्रीर ब्वायलरों के लिए इस्पात की छली चीजें	एस० ओ० 2042 दिनांक 26 जून, 1965	सं० 1 जून, 1970	(1) खण्ड 10.1 के स्थान पर नया खण्ड दिया गया है। (2) एक नया खण्ड 10.1.2 जोड़ा गया है।	1 जून, 1970	
17. IS: 3914—1967 ए. सी. प्रेरण मोटर स्टार्टरों (बोल्टता 100 बोल्ट से अनधिक) के चुनाव की रीतिसंहिता	एस० ओ० 2654 दिनांक 18 नवम्बर, 1967	सं० 1 मई, 1970	विशिष्टि में ऊज्ज्वा अतिभार से बचाव साधन अर्थात् गलन-अंतिक मिश्रधारा समिस्त कर दी गई है।	1 मई, 1970	
18. IS: 4057—1967 बड़द्वयों के धातु के मांचे वाले ब्रेंच रेंडे	एस० ओ० 2654 दिनांक 5 अगस्त, 1967	सं० 2 मई, 1970	सारणी 3 को संशोधित कर दिया गया है।	1 मई, 1970	

(1)	(2)	(3)	(4)	(5)	(6)
19.	IS : 4105—1967 स्टाइरीन एस० ओ० 3336 दिनांक स० 1 (बिनाइल बेंजीन) की विशिष्टि 23 नवम्बर, 1967 मई, 1970	यह पाया गया है कि पदार्थ में अनोरीन की मात्रा दोनों ग्रेडों के लिए निर्धारित मात्रा से बहुत नीचे होती है। इस संशोधन द्वारा अच्युत सम्पादकीय परिवर्तन करने के साथ साथ यह विषमता भी दूर कर दी गई है।	1 मई, 1970		
20.	IS : 4215—1967 नीडल नुमा एस० ओ० 4080 दिनांक स० 1 बेयरिंग 18 नवम्बर, 1970 मई, 1970	(प० 4 खण्ड 2.2 पंक्ति 2) : 1073—1967 के स्थान पर : 4217—1967 कीजिए	1 मई, 1970		
21.	IS : 4495—1968 सिनेमा दर्शी एस० ओ० 2578 दिनांक स० 1 प्रोजेक्टरों का प्रकाश उत्पादन 20 जुलाई, 1968 जून, 1970	खण्ड 4. 1(जी) को संशोधित कर दिया गया है।	1 जून, 1970		
22.	IS : 4633—1968 छिप्ट धारा एस० ओ० 4425 दिनांक स० 1 के लिए जड़े हुए धात्वीय कागज 14 दिसम्बर, 1968 जून, 1970 डाइइलेक्ट्रिक कैपेसिटर	(1) खण्ड 7. 1. 2 को संशोधित कर दिया गया है, और (2) खण्ड 7. 1. 3 की पद (जी) हटा दी गई है	1 जून, 1970		

इन संशोधनों की प्रतियां भारतीय मानक संस्था, मानक भवन, 9 ब० शा० जफर मार्ग, नई दिल्ली—1 और इसके इन शाखा कार्यालयों से भी मिल सकती है (1) 534 सरदार बलभाई पटेल रोड, बम्बई—7, (2) 5 चौगंगी ऐंगोच कम्पकता—13, (3) 117/418-बी, सर्वोदय नगर, कानपुर, (4) 54 जनरल पैटर्स रोड, मद्रास और (5) 5—9—201/2 चिराग अली लेन, हैदराबाद।

[संख्या सी० एम० डी०/13 : 5]

New Delhi, the 12th August 1972

S.O. 2400.—The C rification Marks Licences, details of which are mentioned in the table given below, have lapsed or their renewal deferred :

TABLE

Sl. No.	Licence No.	Licencee's Name and Address	Article Process and the Relevant IS : Designation	S. O. Number and date of the Gazette Notifying Grant of Licence	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
1.	CM/L-470 30-10-1962	Hind Tin Industries, 107-A, Raja Dinendra Street, Calcutta-6.	18-Litre square tins—IS : 916— 1966	S. O. 3518 dated 24-11-1962	Deferred after 30-4-1970
2.	CM/L—474 23-11-1962	Indian Mineral Industries Ltd., 22/1, Dum Dum Road, Cal- cutta-23.	BHC dusting powders— IS : 561—1962	—	Deferred after 15-4-1970
3.	CM/L—648 25-3-1964	Indian Explosives Ltd., Gomia, Distt. Hazaribagh (Bihar) (Office: ICI House, 34, Chow- ringhee, Calcutta).	BHC smoke generators— IS : 1505—1968	S. O. 1371 dated 18-4-1964	Lapsed after 15-4-1970

(1)	(2)	(3)	(4)	(5)	(6)
4. CM/L—899 28-II-1964	Naskarpura Jute Co. Ltd., 220/2, Shibgopal Banerjee Lane, Ghusuri, Howrah (Office: 8 Dalhouse Square East, Cal- cutta-I.) ¹⁾		1. Jute hessian—IS: 2818-1964 2. Hessian bags—IS : 3790-1966		
5. CM/L—900 28-II-1964	Do		Jute sackings— 1. A-Twill jute bags—IS : 1943- 1964 2. B-Twill jute bags— IS : 2566-1965 3. Heavy Cee jute bags— IS : 2874-1964 4. Jute corn sacks—IS : 2875- 1964 5. B-Twill cloth—IS: 3667-1966 6. Liverpool twill (L-twill) cloth IS : 3668-1966 7. Jute corn sack cloth— IS : 3750-1966 8. Heavy cee cloth— IS : 3751-1966 9. Liverpool twill (L-twill) bags— IS : 3794-1966	S. O. 79 2-I-1965	Deferred after 30-II-1969
6. CM/L—971 28-II-1964	Chittavalsah Jute Mills Co. Ltd., chitta valskh, Visakhapatnam (Office: 7 Netaji Subhas Rd. Calcutta-I)	As against Sl. No. 4		Do.	Do.
7. CM/L—972 28-II-1964	Do.	As against Sl. No. 5		Do.	Do.
8. CM/L—973 28-II-1964	Nellimarla Jute Mills Co. Ltd., Nellimarla, Visakhapatnam (Office : 3 Netaji Subhas Road, Calcutta-I)	As against Sl. No. 4.		Do.	Do.
9. CM/L—974 28-II-1964	Do.	As against Sl. No. 5		Do.	Do.
10. CM/T-1047 29-3-1965	Bagross, Delhi Road, Sonepat (Near Delhi)	Cast iron surface plates, grade I upto 400 x 440 mm size and grade II up to 1000 x 1000 mm size IS : 2285-1963	S. O. 1408 dt. 1-5-1965	Lapsed after 15-4-1970	
11. CM/L-1421 30-3-1967	Shembakar Industries, Opposite Ruston Co, Post Chinchwad (C. Rly) Distt, Poona (Maha- rashtra)	Three-phase induction motors upto 2.2 KW (3HP) only with Class 'A' insulation— IS : 325-1961	S. O. 1531 dt. 29-4-1967	It was deferred after 30-6-1969; and has now to be treated as lapsed after that date	
12. CM/T-1515 15-9-1967	Dasmesh Engg. Works, 2614 Sultanwind Road, Amritsar	Water metres, dry-dial, infe- rential type A, 15 mm size— IS : 779-1968	S. O. 3735 dt 21-10-1967	Deferred af 31-3-1970	
13. CM/T-1654 19-3-1968	Jayam Beechay & Co Pvt Ltd, Agra Road, Bhandup, Bombay, -70NB	Three-phase induction motors, S. O. 1470 0.75 kW (1HP), 2.2 kW (3 HP) and 3.7 kW (5 HP) only with class 'A' insulation— IS : 325-1961	dt 27-4-1968	Lapsed after 31-3-1970	
14. CM/L-1656 20-3-1968	Esso Standard Eastern Inc Survey No. 23/5 A & B, Chik- kabiderakallu Village, Nel- amangala Taluka, Bangalore Distt;	BHC dusting powders-IS : 561- 1962	Do.	Deferred after 31-3-1970	

[No. CMD/13:14]

(A. K. GUPTA)
Deputy Director General

नई दिल्ली, 1 अगस्त, 1970

एमो 2400—नीचे सारणी में जिन प्रमाणन मुद्रों के लाइसेंसों के व्यौरे दिए गए हैं वे अवधिपूर्ण होने पर रद्द हो गये हैं अथ वा नवीकरण स्थगित कर दिया गया है।

सारणी

क्रम सं०	लाइसेंस संख्या	लाइसेंस ग्राही का नाम और पता	वस्तु/प्रक्रिया और तत्सम्बन्धी भाषा:	लाइसेंस मंजूरी प्रकाशित करने वाले गजट की एसो ० और संख्या और दिनांक	कैफियत
1	2	3	4	5	6
1.	सी एम/एल-470 30-10-1962	हिंदू प्रिंट इंडस्ट्रीज 107-ए राजा दिनेन्द्र स्ट्रीट कलकत्ता-6	18 लिटर चॉकोर टिन IS : 916-1966	एस ओ 3518 दिनांक 24-11-1962	30-4-1970 के बाद स्थगित
2.	सी एम/एल-474 23-11-1962	इंडियन मिनरल डंडस्ट्रीज लि 0 22/1 डम डम रोड कलकत्ता-23	बी एच सी धूलन पाउडर IS : 1561-1962	..	14-4-1970 के बाद स्थगित
3.	सी एम/एल-648 25-3-1964	इंडियन एक्सप्लोजिङ्ज लि 0 गोगिया जिला हजारीबाग (विहार) [दफ्तर: आई सी ग्राइ हाउस 34 चौरंगी कलकत्ता]	बी एच सी धुध्र जनक IS : 1505-1968	एस ओ 1371 दिनांक 18-4-1964	15-4-1970 के बाद स्थगित
4.	सी एम/एल 899 28-11-1964	नरकरपाड़ा जूट कं ० लि 0, 220/2 शिवगोपाल बनर्जी लेन घुसूरी हावड़ा [दफ्तर ४ डलहौजी स्क्वायर पूर्व कलकत्ता-1]	1. पटसन हैसियन-- IS : 2818-1964 2. हैसियन बोरे-- IS : 3790-1966	..	30-11-1969 के बाद स्थगित
5.	सी एम-एल-900 28-11-1964	..	पटसन सैकिंग 1. ए ट्रिवल पटसन बोरे IS : १९४३; १९६४ 2. बी ट्रिवल पटसन बोरे IS : २५६६-१९६५ 3. भारी सी पटसन बोरे IS : २८७४-१९६४ 4 पटसन के मक्का भरने के बोरे-- IS : २८७५-१९६४ 5. बी ट्रिवल कपड़ा-- एस ओ ७९ दिनांक IS : ३६६७-१९६६ २-१-१९६५ 6. लिवरपूल ट्रिवल (एल ट्रिवल) कपड़ा-- IS : ३६६८-१९६६ 7 मक्का भरने के बोरे का पटसन कपड़ा-- IS : ३७५०-१९६६ 8. भारी 'सी' कपड़ा-- IS : ३७५१-१९६६ 9. लिवरपूल ट्रिवल (एल ट्रिवल) बोरे-- IS : ३७९४-१९६६	..	

(1)	(2)	(3).	(4)	(5)	(6)
6. सी एम/एल-971 28-11-1964	चितवलशाह जूट मिल्स कं 0 लि 0 चितवलशाह विशाखा- पत्तनम (दफ्तर : 7 नेताजी सुभाष रोड कलकत्ता-1	1. पटसन हैसियन— एस श्रो 79 IS : 2818-1964 2. हैसियन बोरे— IS : 3790-1966	2-1-1965	30-11-1969 के बाद स्थगित	
7 सी एम/एल-972 28-11-1964	..	क्रम संख्या 5 जैमा	
8. सी एम/एल-973 28-11-1964	नेल्लीमर्ली जूट मिल्स कं 0 लि 0 नेल्लीमर्ली विशाखा- पत्तनम (दफ्तर : 3 नेताजी सुभाष रोड कलकत्ता-1)	क्रम संख्या 4 जैमा	
9. सी एम/एल-974 28-11-1964	..	क्रम संख्या 5 जैमा	
10. सी एम/एल-1047 29-3-1965	बैगब्रास दिल्ली रोड, सोनी- पत (निकट दिल्ली)	झलवां लोहे की सतह पट्टियां मेड 400 X 400 मिमी आकार तक की और मेड 2 1000 X 1000 मिमी आकार तक की झलवां लोहे की सतह पट्टियां- IS : 2285-1963	एस श्रो 1406 दिनांक पट्टियां मेड 400 X 1-5-1965	15-4-1970 के बाद स्थगित	
11. सी एम/एल-1421 30-3-1967	शेष्वाकर इंडस्ट्रीज रस्टन कं. के सामने डाकखाना चिंचबाड़ जिला पुना (महाराष्ट्र)	वर्ग ए इंसुलेशन वाले सिर्फ 2. 2 कि वा (3हा. पा.) तक के तीन फेजी प्रेरण मोटर IS : 325-1961	एस श्रो 1531 दिनांक 29-4-1967	यह 30-6-1969 को स्थगित किया गया था अब उसी तारीख से रद्द ममता जाए।	
12. सी एम/एल-1515 15-9-1967	दसमेण इंजीनियरिंग वर्क्स 2614 सुलतान विंड रोड श्रमृतमर	यूबे डायल वाले इंफरे- शल ए टाइप के 15 मिमी आकार वाले जल मीटर IS : 779-1968	एस श्रो 3733	13-3-1970 के बाद स्थगित	
13. सी एम/एल-1654 19-3-1968	जयेम्स बीची एंड कं 0 प्रा 0 लि 0 आगरा रोड, मांडूप बम्बई-79]	वर्ग ए इंसुलेशन युक्त 0. 75 कि वा (1हा. पा.) 2. 2 कि वा (3 हा. पा.) और 3. 7 कि वा (5 हा पा) वाले तीन फेजी प्रेरण मोटर IS : 325-1961	..	31-3-1970 के बाद रद्द	
14. सी एम/एल-1656 20-3-1968	एम्सो स्टैण्डर्ड ईस्टर्न इं. मर्क्स सं 23-3 ए. और वी चिक्कविदरकल्य गंगा, नीलमंगल तालका जिला बंगलौर,	बी एच मी धूलन पाउडर IS : 561-1962	..	31-3-1970 के बाद स्थगित	

[सं० सी० एम० डी०/13:14]

ए० के० गुप्ता, उप महानिदेशक।

New Delhi, the 21st September 1971

S.O. 2401.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Sl. No. and title of the Indian Standard amended (1)	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified (2)	No. and Date of the Amendment (3)	Brief particulars of the Amendment (4)	Date from which the amendment shall have effect (6)
1. IS : 293-1967 Specification for seaworthy packaging of cotton cloth and yarn (<i>second revision</i>).	S.O. 1719 dated 11 May, 1968	No. 1 Oct., 1970	This amendment is being issued to make certain minor modifications regarding packing procedure in order to completely bring it in line with the Central Government Notification No. SRO 1317; as pointed out by the Cotton Textiles Export Promotion Council, Bombay, and introduce bag packing of cotton yarn on cones.	1 October, 1970
2. IS : 555-1967 Specification for electric table type fans and regulators (<i>Second Revision</i>)	S.O. 1720 dated 18 May, 1968	No. 2 September, 1970	(i) Clauses 5·1, 15·2·1·2 and 15·9·3 have been amended (ii) Clause 6·4 and table 3 have been substituted by new ones.	1 September, 1970
3. IS : 562-1962 Specification for BHC water dispersible powder concentrates. (<i>Second Revision</i>)	S.O. 3593 dated 1 December 1962	No. 4 June, 1970	Clause 5·1·1 has been amended	1 June, 1970
4. IS : 692-1965 Specification for paper insulated lead-sheathed cables for electricity supply (<i>Revised</i>)	S.O. 1253 dated 24 April, 1965	*No. 4 July, 1970	(i) Requirements given in Table 9 for 1100 volts five core cables have been specified separately in two tables 9A and 9B covering cables with full and reduced neutral respectively. (ii) Maximum drainage allowed, under dairnage test has been relaxed for all types of cables. (iii) Requirements in respect of Armouring wire and tape given in the specification have been deleted and a reference made to IS : 3975-1967 and (iv) Other editorial changes.	1 July 1970
5. IS : 885-1967 Common names for pesticides. (<i>First Revision</i>)	S.O. 3152 dated 14 September 1968	No. 1 October 1970	(Page 27, Table 1, footnote with an asterisk (*) mark-Substitute 'G.R. Geigy SA; Basle, Switzerland' for* M/s. Ramfry & Son, Calcutta.'	1 October 1970
6. IS : 1169-1967 Specification for electric pedestal type fans and regulators. (<i>First Revision</i>)	S.O. 1720 dated 18 May, 1968	No. 1 September, 1970	(i) Clauses 5·1 and 16·9·3 have been amended. (ii) clauses 6·4 and 16·2·1·2 have been substituted by new ones.	1 September, 1970
7. IS : 1170-1967 Specification for ferrochromium (<i>First Revision</i>)	S.O. 287 dated 20 January, 1968	No. 1 September, 1970	Table 1 has been amended.	1 September, 1970.
8. IS : 1398-1968 Specification for packing paper waterproof, bitumen-laminated (<i>First Revision</i>)	S.O. 3745 dated 26 October, 1968	No. 2 September, 1970	Clause 4·2 has been substituted by a new one.	1 September, 1970
9. IS : 1520-1960 Specification for horizontal centrifugal pumps for clear, cold, fresh water	S.O. 1742 dated 16 July, 1960	No. 3 September, 1970	Clause 14·9 has been substituted by a new one.	1 September, 1970
10. IS : 1526-1960 Sizes and shapes of firebricks.	S.O. 2494 dated 15 October, 1960	No. 1 September, 1970	(First cover page, pages 1 and 2 (pages 1 and 3 of Reprint), Title/- Substitute the following for the existing title at all the three places : 'Indian Standard' sizes and shapes for firebricks (230 mm SERIES).	1 September, 1970

*For purposes of ISI Certification Marks Scheme, this Amendment shall come into force with effect from 1 Nov. 1970.

(1)	(2)	(3)	(4)	(5)	(6)
11. IS : 1528—1962 Methods of sampling and physical tests for refractory materials.	S.O. 3593 dated 1 December, 1962	No. 1 October, 1970	(i) Clause 2·4·1·2 has been amended 1 October, 1970 (ii) A new clause 2·4·1·8 has been added.		
12. IS : 2086—1963 Specification for carriers and bases used in rewirable type electric fuses up to 650 volts. <i>(Revised).</i>	S.O. 2370 dated 24 August 1963	*No. 3 October, 1970	(i) [(Page 23 (page 24 of the Reprint), clause A-O 1, line 1)]— substitute 'specified' for 'employed'. (ii) (Paged 11, clause 6·1(b)—Add a new item as below and re-number the subsequent items '(c)' (d)' as '(d)' and '(e)' respectively : '(c)' Size of fuse wire,' (iii) A new clause 7·5·0 has been added.		1 October, 1970.
13. IS : 2148—1968 Specification for flame proof enclosures of electrical apparatus. <i>(First Revision)</i>	S.O. 3728 dated 13 September, 1969	No. 1 September, 1970	(i) Clause 3·1 has been substituted by a new one. (ii) (Page 40, explanation of Fig. 188) substitute the following for the existing explanation : '18b Cast or welded or Brazed Shroud : Three Fourth Circle'		1 October, 1970
14. IS : 2232—1967 Specification for slotted and castle nuts <i>(First Revision)</i>	S.O. 4562 dated 23 December 1967	No. 1 October 1970	(Pages 5 to 15 Tables I to II)— add the following matter below the figures in each of the Tables I to II : 'The underside of the slot may be round or at with rounded corners or flat with chamfered corners, at the discretion of the manufacturer.'		1 October 1970.
15. IS : 2312—1967 Specification for propeller type ac ventilating fans <i>(First Revision)</i>	S.O. 520 dated 10 Feb 1968	No. 2 September 1970	(i) Clauses 5·1 and 14·8·2 have been amended (ii) Clause 6·5 has been substituted		1 September 1970
16. IS : 2316—1968 Methods of preparation of standard solutions for colorimetric and volumetric analysis <i>(First Revision)</i>	S.O. 593 dated 15 Feb 1969	No. 1 September 1970	(Page 5, clause 11·1, line 1)— Substitute '1.64 kg' for '3.6 kg'		1 September 1970
17. IS : 2453—1963 Specification for phenyl mercury chloride, technical	S.O. 2038 dated 20 July 1963	No. 1 December 1970	(Page 6, clause 5·1, line 2)— Substitute '0.062 mm (250 gauge)' for '0.125 mm (500 gauge)'		1 December 1970
18. IS : 2354—1963 Specification for ethyl mercury chloride, technical	S.O. 2160 dated 3 August 1963	No. 1 December 1970	(Page 5, clause 5·1, line 2)— Substitute '0.062 mm (250 gauge)' for '0.125 mm (500 gauge)'		1 December 1970.
19. IS : 2355—1963 Specification for stabilized ethoxy ethyl mercury chloride concentrate	S.O. 2160 dated 3 August 1970	No. 1 December 1970	(Page 6, clause 5·1, line 1 line 2)— Substitute '0.062 mm (250 gauge)' for '0.125 mm (500 gauge)'		1 December 1970
20. IS : 2387—1969 Methods for determination of weight of jute fabrics <i>(First Revision).</i>	S.O. 4311 dated 25 October 1969	No. 1 September 1970	Formula under clause 6·1·3(b) has been substituted by a new one		1 September 1970.
21. IS : 2427—1968 Grading of continuous filament viscose rayon yarn and acetate yarn, bright and dull <i>(First Revision)</i>	S.O. 2961 dated 9 November 1968	No. 1 December 1970	(i) [Page 6, Table 1 S1No. (iii)(a) against '40' under Grade 1] Substitute '40' for '34'. (ii) [Page 10, Table 2, S1No. (iii)] Delete this item and renumber the subsequent items accordingly wherever they appear in the standard.		1 December 1970
22. IS : 2516 (Part II Sec 2)—1965 Specification for alternating current circuit-breakers Part II Tests Section 2 Voltage Above 1,000 Upto and Including 11,000 volts	S.O. 1081 dated 9 April 1966	No. 1 November 1970	Clause D-3 has been amended		1 November 1970

*For purposes of ISI Certification Marks scheme, this amendment shall come into force with effect from 1 Nov. 1970.

¶For purposes of ISI Certification Marks Scheme, this Amendment shall come into force with effect from 1 January 1971.

(1)	(2)	(3)	(4)	(5)	(6)
23.	IS : 2575-1963 Specification for leather gauntlets for welders	S. O. 950 date 21 March 1964	No. 1 October 1970	(Page 5, Fig. 1) (a) First finger Substitute '75' for '70' (b) Second finger Substitute '85' for 82 (c) Third finger Substitute '80' for '76' (d) Fourth finger substitute '55' for '57' (e) Thumb-substitute '75' for '57'	1 October 1970.
24.	IS : 2925-1964 Specification for industrial safety helmets.	S. O. 1152 date 10 April 1965	@No. 2 August 1970	(i) Clause 5.1(b), 8.1 and Appendix 'C' have been substituted by new ones. (ii) Clauses 0.3, 5.1, 8.4, 8.7, 10.1 and A-1.1 have been amended	1 August 1970.
25.	IS : 2997-1964 Specification for air circulators type electric fans and regulators.	S. O. 664 dated 5 March 1966	No. 3 September 1970	(i) clauses 5.1, 19.2.4.4 and 19.2.3 have been amended (ii) Clauses 8.4 and 19.2.1.2. have been substituted by new ones	1 September 1970.
26.	IS : 3035 (Part II)-1965 Specification for thermoplastic insulated weather proof cables Part II Polyethylene insulated taped or untaped, braided and compounded	S. O. 3938, dated No. 2 25 December, 1965.	{ September, 1970.	(i) Clause 6.1 has been substituted by a new one. (ii) Title on first cover page, pages 1 and 3 has been amended as under 'BARIDED AND COMPOUNDED'	1 September, 1970.
27.	IS : 3236-1965 General requirements for syringes for medical use.	S. O. 281, dated No. 1 22 January, 1966.	October, 1970.	(Page 7, clause 8.7 line 2)— Substitute 'IS : 2302-1963*' for 'IS : 2203-1963*'. Table I has been amended.	1 October, 1970. 1 September, 1970.
28.	IS : 3327-1965 Specification for paddy thresher, pedal operated.	S. O. 1081, dated No. 1 9 April, 1966.	September, 1970.	Table I has been amended.	1 September, 1970.
29.	IS : 3462-1966 Specification for flexible PVC flooring.	S. O. 2602, dated No. 1 September, 27 August, 1966.	1970.	(i) [Page 6, Table 1, col. 3, against Sl. No. (xi).line 2]—Substitute '0.5 per cent' for '5 per cent' (ii) A new clause 0.2.2 has been added	1 September, 1970.
30.	IS : 3522-1966 Method for estimation of common preservatives used in textile industry.	S. O. 3818, dated No. 2 17 December, 1966.	September, 1970.	(i) (First cover page and pages 1 and 3 title)—Add the word 'PART I' in the title on all the three pages. (ii) (Designation)—Substitute 'IS : 3522 (Part I)-1966' for 'IS : 3522-1966' wherever it appears in the standard.	1 September, 1970.
31.	IS : 3524-1966 Outline dimensions for electric lifts.	S. O. 241, dated 21 January, 1967.	No. 2 September, 1970.	(Page 13, Table 4, entries against '16 persons or 1135 kg load')—Delete all the entries against this load.	1 September, 1970.
32.	IS : 3588-1966 Specification for electric axial flow fans.	S. O. 241, dated 21 January, 1967.	No. 3 September, 1970.	(i) Clauses 4.1 and 13.7.2 have been amended. (ii) clause 5.5 has been substituted by a new clause. (iii) The existing equation of Pf has been substituted by a new one.	1 September, 1970.
33.	IS : 3626-1966 Specification for locked coil winding ropes.	S. O. 3818, dated No. 1 17 December, 1966.	October, 1970.	A new size has been added in the table.	1 October, 1970.
34.	IS : 3706-1966 Specification for fountain pens.	S. O. 160, dated 11 February, 1967.	£No. 1 March, 1970.	(i) Clauses 0.2, A-2.1 and table 1 have been amended. (ii) Clauses 1.1 and 4.2 have been substituted by new ones. (iii) Clause 7.4 has been deleted.	1 March, 1970.
35.	IS : 3963-1966 Specification for roof extractors units.	S. O. 2789, dated No. 2 19 August, 1967.	September, 1970.	Clause 4.1, 5.4, 12.2.2.2 and 12.8.3 have been amended.	1 September, 1970.
36.	IS : 4261-1967 Glossary of terms relating to paper and pulp-based packaging materials.	S. O. 4633, dated No. 1 30 December, 1967.	September, 1970.	Definitions of 'Box', 'Container' and 'Corruhged Fibreboard' have been substituted by new ones	1 September, 1970.
37.	IS : 4283-1967 Specification for hot air fan.	S. O. 287, dated 20 January, 1968.	No. 2 September, 1970.	(i) Clauses 4.1, 17.4.3 and 17.10.3 have been amended. (ii) Clause 5.3 has been substituted by a new one.	1 September, 1970.

@For purposes of ISI Certification Marks Scheme, this Amendment shall come into force with effect from 1 November, 1971.

£For purposes of ISI certification Marks Scheme, this Amendment shall come into force with effect from 1st November, 1971.

(1)	(2)	(3)	(4)	(5)	(6)
38.	IS : 4388-1967 Specification for cotton fabric for reinforcement of rubber hoses.	S. O. 1719, dated 18 May, 1968.	No. 1 September, 1970.	(i) Clauses 2.1, 2.2 and table 2 have been amended. (ii) Table 1 has been substituted by a new one.	1 September, 1970.
39.	IS : 4497-1968 Specification for 16 mm portable sound-and-picture cinema-photograph projectors.	S. O. 2036, dated 8 June, 1968.	No. 1 September, 1970.	(i) (Page 2, clause 0.6, line 3)— Substitute '3675' for '3975'. (ii) (Page 9, clause 4.5, line 1)— Substitute 'exciter' for 'excited'. (iii) Clauses 4.4.1.3 & 4.4.3 have been substituted by new ones. (iv) A new clause 4.4.4 has been added and the existing clause 4.4.4 has been re-numbered as clause 4.4.5 and substituted by a new one.	1 September, 1970.
40.	IS : 4745-1968 Code of practice for design of cross-section of lined canals.	S. O. 368, dated 25 January, 1969.	No. 1 September, 1970.	A new clause 0.2.1 has been added.	1 September, 1970.
41.	IS : 4760-1968 Specification for domestic cooking ranges including grillers, for use with liquefied petroleum gases.	S. O. 1455, dated 19 April, 1969.	No. 1 October, 1970.	(i) Clauses 6.1.1, 37.1, 37.2 and 8.1 have been substituted by new ones. (ii) Heading of clause 23 has been substituted by the following 'Total Gas Consumption of the Boiling Burner'. (iii) Table 1, clause K3.1 (f) 7.5, 10.1, H-1.2 and K.—3 have been amended. (iv) New clauses 3.4 and 23.2 have been added.	1 October, 1970
42.	IS : 4894-1968 Specification for centrifugal fans.	S. O. 1455, dated 19 April, 1969.	No. 1 September, 1970.	(i) Clauses 4.1 and 12.7.2 have been amended. (ii) Clause 5.5 has been substituted by a new one.	1 September, 1970.
43.	IS : 5024-1968 Specification for buffalo-butt leather for knee bushings.	S. O. 2330, dated 14 June 1969.	No. 1 September, 1970.	[Page 5, Table 1, col 3, against S1. No. (ii)—Substituted '2.5' for '1.0'.]	1 September, 1970.
44.	IS : 5052-1969 Temper designations of aluminium and its alloys.	S. O. 3098, dated 2 August, 1969.	No. 1 September, 1970.	(Page 3 clause 3.1 informal table line 2 under 'Description')— Substitute 'Temper' for 'Temperature'.	1 September, 1970.
45.	IS : 5054-(Part I)-1969 Specification for radio frequency connectors Part I General requirements and tests.	S. O. 3929, dated 27 September, 1969.	No. 1 September, 1970.	Clause 7.4.1.1 has been amended.	1 September, 1970.
46.	IS : 5070-1969 Method for beam unnotched impact test for grey cast iron.	S. O. 3728, dated 13 September, 1969.	No. 1 September, 1970.	Clauses 3.1, A-1, and A-3 have been amended.	1 September, 1970.
47.	IS : 5082-1969 Specification for wrought aluminium and aluminium alloy bars, rods, tubes and sections for electrical purposes.	S. O. 436, dated 7 February 1970.	No. 1 September, 1970.	(i) (Page 3, clause 0.7, line 3 and page 5, clause 8.1, line 4) Substitute 'H1' for 'H2'. (ii) (Page 6, caption of Table)— Add the words 'TABLE I' in the beginning of the caption. (iii) (Page 6, Table 1, second column)— Substitute 'H1' for 'H2'.	1 September, 1970.

Copies of these amendments are available with the Indian Standards Institution, 'Manak Bhavan', 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 534 Sardar Vallabhbhai Patel Road, Bombay-7 (ii) 5 Chowinghee Approach, Calcutta-13 (iii) 54 General Patters Road, Madras-2 (iv) 117/418-B, Sarvodaya Nagar Kanpur and (v) 5-9-201/2 Chirag Ali Lane, Hyderabad-1.

नं विली, 21 मित्रवार, 1971

एस० ओ० 2401.—भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955, के विनियम 4 के अनुमार भारतीय मानक संस्था सूचित करती है कि उक्त विनियमों के विधियम 3 के उत्तराधिकार (1) के अनुमार प्राप्त अधिकार के अधीन यहाँ अनुमूल्य में दिए भारतीय मानकों के संशोधन जारी किए गए हैं :—

अनुमूल्य

क्रम संख्या	संशोधित भारतीय मानक संख्या की पद संख्या और शीर्षक	जिस राजपत्र में भारतीय मानक तैयार होने की और दिनांक मूल्यना छपी थी उसकी सं० और दिनांक	संशोधन का संक्षिप्त विवरण	संशोधन लागू होने की तिथि
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(1)	(2)	(3)	(4)	(5)	(6)
(1)	IS: 293-1967 सूती कपड़े और धागे की समुद्र योग्य बंधाई की विशिष्ट (दूसरा पुनरीक्षण).	एस० ओ० 1719 दि० 18 मई, 1968.	संख्या 1 अक्टूबर 1970.	यह संशोधन इस मानक को केन्द्रीय सरकार की अधिभूतना सं० एस० आर०ओ० 1317 के अनुरूप बनाने की दृष्टि से कुछ छोटे मोटे परिवर्तन करने के लिए जारी किया जा रहा है। इनकी और सूती वस्त्र नियात संवर्धन परिषद्, बम्बई द्वारा संकेत किया गया था और इसमें प्रकुप्रांतों पर लिपटे सूती धागे की बोरा बंधाई सम्बन्धी अपेक्षा शामिल करनी थी।	1 अक्टूबर, 1970.
(2)	IS: 555-1967 बजला के टेबल वंखे और रेख्य-सेटर (दूसरा पुनरीक्षण)	एस० ओ० 1720 दिनांक 18 मई 1968	संख्या 2 मितम्बर, 1970	1) खंड 5' 1, 15' 2, 1' 2 और 15' 9' 3 का संशोधन किया गया है। 2) खंड 6' 4 और सारणी 3 के स्थान पर नया खंड और नई सारणी दी गई है।	1 सितम्बर, 1970
(3)	IS: 562-1962 बोएच सी जल विसर्जनीय तेज चूर्ण की विशिष्ट (दूसरा पुनरीक्षण)	एस० ओ० 3593 दि० 1 दिसम्बर, 1962	संख्या 4 नांक 1 दिसम्बर, 1962 जून 1970	खंड 5' 1' 1 का संशोधन किया गया है।	1 जून, 1970
(4)	IS: 692-1965 बिजली वितरण के लिए कागज रोधित सीसे के खोल वाले केबल (पुनरीक्षित)	एस० ओ० 1253- दिनांक 24, अप्रैल, 1965	*संख्या 4 जूलाई, 1970	1) 1100 बोल्टता वाले पांच कोर के केबलों के लिए सारणी 9 में दी गई अपक्षाओं को अलग अलग 9 और तथा 9' दो सारणियों में विभक्त कर दिया गया है जिनमें एक में पूर्ण न्यूट्रल चालक युक्त केबलों और दूसरी में रिड्यूस्ड (reduced) न्यूट्रल चालक युक्त केबलों को लिया गया है।	1 जुलाई 1970

*भारतीय मानक संस्था (प्रमाणन चिन्ह) योजना के अन्तर्गत यह संशोधन 1 नवम्बर 1970 से लागू हो जाएगा।

(1)	(2)	(3)	(4)	(5)	(6)
				2) निकास परीक्षण के अन्तीम सब प्रकार के केबलों के लिए अनु-मत अधिकतम निकास में ढील कर दी गई है।	
				3) विशिष्ट में दी गई वर्च तार और टेप सम्बन्धी अपेक्षाओं को हटा दिया गया है तथा इस सम्बन्ध में IS: 3975-1967 का उल्लेख किया गया है। तथा	
				4) अन्य सम्पादकीय परिवर्तन।	[पृष्ठ 27, सारणी 1 तारांकित 1 अक्टूबर 1970 (*) पाद टिप्पणी] —मैसर्स रैमपाइंड संस, कलकत्ता, के स्थान पर 'जै. आर. गैगी एस० ए० बास्ले, बिहार-लैड' कर दिया गया है।
(5)	IS: 885-1967 कोट एस० ओ० 3152 संख्या 1 नाशकों के लिए साधारण दिनांक 14 सितम्बर, अक्टूबर, 1970 नाम (पहला पुनरीक्षण) : 968			1) खंड 5.1 और 16.9.3 का संशोधन किया गया है।	1 सितम्बर 1970
(6)	IS: 1169-1967 विजली एस० ओ० 1720 के पैडस२ भूख पौर रेग्यू लेंटर (पहला पुनरीक्षण) दिनांक 18 मई, 1968	संख्या 1 फितम्बर, 1970		2) खंड 6.4 और 16.2.1, 2 के स्थान पर नए खंड जोड़ दिए गए हैं।	
(7)	IS: 1170-1967 वर्षो क्रांमियम की विशिष्ट (पहला पुनरीक्षण)	एस० ओ० 287 दिनांक 20 जनवरी, 1968 सितम्बर, 1970		सारणी 1 में संशोधन किया गया है।	1 सितम्बर 1970
(8)	IS: 1398-1968 जलसह एस० ओ० 3745 दिनांक 26 अक्टूबर, 1968 कागज की विशिष्टि	संख्या 2 सितम्बर 1970		खंड 4.2 के स्थान पर नया खंड जोड़ दिया गया है।	1 सितम्बर 1970
(9)	IS: 1520-1960 साफ टंडे स्वच्छ पानी के लिए ईंतिज अपकेंद्रीय पाए की विशिष्टि	एस० ओ० 1742 दिनांक 16 जुलाई, 1960	संख्या 3 सितम्बर, 1970	खंड 14.9 के स्थान पर नया खंड जोड़ दिया गया है।	1 सितम्बर 1970
(10)	IS: 1526-1960 अग्नि ईंटों के आकार और आकृतियां	एस० ओ० 2494 दिनांक 15 अक्टूबर 1960	संख्या 1 मितम्बर 1970	[प्रथम मुख पृष्ठ, पृष्ठ 1 और 2 (रिप्रिट के पृष्ठ 1 और 3), शीर्षक] तीनों स्थानों पर शीर्षक बदल कर निम्न किया जाए।	1 नितम्बर 1970
(11)	IS: 1528-1962 उष्मा-सह के लिए बानगी लेने तथा भौतिक परीक्षण की पद्धतियां	एस० ओ० 3593 दिनांक 1 दिसम्बर, 1962	संख्या 1 अक्टूबर 1970	भारतीय मानक अग्निईंटों के आकार और आकृतियां (230 मिमी मिरीज़ा) किया गया है।	1 अक्टूबर, 1970
				1) खंड 2.4.1, 2 का संशोधन किया गया है।	
				2) एक नया खंड 2.4.1, 8 जोड़ गया है।	

*भारतीय मानक संस्था प्रमाणन चिन्ह योजना के अन्तर्गत यह संशोधन 1 नवम्बर, 1970 से लागू हो जाएगा।

(1)	(2)	(3)	(4)	(5)	(6)
(12) IS: 2086-1963 पुनः वायरिंग योग्य प्रकार के 650 बोल्ट्स तक के विजली के फ्यूजों के लिए प्रयुक्त कैरियरों और आधरों की विशिष्टि (पुनरीक्षण)	एम० ओ० 2370 दिनांक 24 अगस्त 1963	*संख्या 3 अक्टूबर, 1970	1) [पृष्ठ 23 (रिप्रिंट का 24 पृष्ठ) खंड प्र० 1, पंक्ति 1]— 'employed' के स्थान पर 'specified' किया जाए। 2) [पृष्ठ 11, खंड 6, 1 (शी)]— नीचे एक नया निम्नलिखित मद जोड़ दीजिए और बाद के मदों की संख्या में परिवर्तन कर 'सी' और 'डी' को क्रमशः 'जी' तथा 'ई' करा लीजिए। 'सी) फ्यूज तार की साहज' 3) एक नया खंड 7.5.0 जोड़ दिया गया है।	1 अक्टूबर 1970	
(13) IS: 2148-1968 विजली एम० ओ० 3728 के उपकरणों के लिए दिनांक 13 सितम्बर 1969 ज्वालामूळे खोलों की विशिष्टि (पहला पुनरीक्षण)	संख्या 1 दिनांक 13 सितम्बर, 1970	1) खंड 3.1 के स्थान पर नया खंड जोड़ दिया गया है। 2) (पृष्ठ 40, आकृति 18 वी का विवरण)— वर्तमान विवरण के स्थान पर निम्नलिखित विवरण कर लीजिए : '18वी ढलवां या बेलड्कूत अथवा ताँबे के टांके वाला आवरण : तीन चौथाई बूत'	1 अक्टूबर 1970		
(14) IS: 2232-1967 खांचदार एम० ओ० 4562 और कैमिल डिवरियों की विशिष्टि (पहला पुनरीक्षण)	संख्या 1 दिनांक 23 दिसम्बर 1967	(पृष्ठ 5 से 15 तक मारणी 1 से 11 तक) — 1 से 11 तक सारणियों के नीचे की हर आकृति के निचे निम्नलिखित जोड़ लीजिए : '(निर्माता की छच्छा से खांच का निचला भाग गोत या चपटा होगा तो उसके कोने मारे हुए अथवा पख शरे हुए होंगे।)'	1 अक्टूबर 1970		
(15) IS: 2312-1967 प्र० ५- एम० प्र० ५२० दिनांक नंख्या 2 लग्नुमा प्र० सी० के निकाम 10. फरवरी 1968 मितम्बर 1970 पंखों की विशिष्टि (पहला पुनरीक्षण)	संख्या 2 दिनांक 10. फरवरी 1968 मितम्बर 1970	1) खंड 5.1 और 14.8.2 का संशोधन किया गया है। 2) खंड 6.5 के स्थान पर नया खंड जोड़ दिया गया है।	1 मितम्बर 1970		
(16) IS: 2316-1968 वर्ण- परक और आयतनपरक विश्लेषण के लिए मानक घोल तैयार करने की पद्धति (पहला पुनरीक्षण)	एम० ओ० 593 दिनांक 15 फरवरी 1969 सितम्बर 1970	(पृष्ठ 5, खंड 11.1 पंक्ति 1) — 3.64 कि० ग्रा० के स्थान पर 1.64 कि० ग्रा० कीजिए।	1 सितम्बर 1970		

(1)	(2)	(3)	(4)	(5)	(6)
(17) IS: 2353-1963 फैनायल एस० ओ० 2038	दिनांक संख्या 1 पारा क्लोरोइड, तकनीकी को विशिष्टि	20 जुलाई 1963	(पृष्ठ 6 खंड 5.1, पंक्ति 2)- दिसम्बर 1970 '0.125 मिमी (500 गेज)' के स्थान पर '0.062 मिमी (250 गेज)' कर लीजिए।	1 दिसम्बर 1970	
(18) IS: 2354-1963 इथाइल एस० ओ० 2160	पारा क्लोरोइड, तकनीकी दिनांक 3 अगस्त की विशिष्टि	1963	संख्या 1 दिसम्बर 1970 (पृष्ठ 5, खंड 5.1, पंक्ति 2)- '0.125 मिमी (500 गेज)' के स्थान पर '0.062 (250 गेज)' कर लीजिए।	1 दिसम्बर 1970	
(19) IS: 2355-1963 दृढ़ी- एस० ओ० 2160	कृत इथाक्सी इथाइल की विशिष्टि	दिनांक 3 अगस्त 1970	संख्या 1 दिसम्बर 1970 (पृष्ठ 6, खंड 5.1, पंक्ति 2)- '0.125 मिमी (500 गेज)' के स्थान पर '0.062 मिमी (250 गेज)' कर लीजिए।	1 दिसम्बर 1970	
(20) IS: 2387-1969 पटसन एस० ओ० 4311	कपड़े का भार निकालने की पद्धति (पहला पुनर- रीक्षण)	दिनांक 25 अक्टूबर 1969	संख्या 1 सितम्बर 1970 खंड 6.1.3(बी) में दिए गए सूत्र के स्थान पर नया सूत्र दिया गया है।	सितम्बर 1970	
(21) IS: 2427-1968 चमकीले एस० ओ० 3961	भड़े रंग के बिना कटे दिनांक 9 नवम्बर विस्कोम रेयान के धारे और एमिटेट धारे की विशिष्टि (पहला पुनरी- क्षण)	1968	संख्या 1 दिसम्बर 1970 1) [पृष्ठ 6, सारणी 1 क्रम सं० 1 दिसम्बर 1970 (3) (ए) '40 डी' के आग प्रेरण 1 के नीचे] '34' के स्थान पर '40' कर लीजिए। 2) [पृष्ठ 10, सारणी 2. क्रम संख्या (3)] इस मट को हटा कर बाद की मटों की मात्रक में जहाँ भी हों फिर से गिनती कर दी जाए।	1 दिसम्बर 1970	
(22) IS: 2516 (भाग 2/खंड 2)-1965 ए सी धारा परिपथ बेकर की विशिष्टि	संख्या 1 दिनांक 9 अप्रैल 1966 नवम्बर 1970 खंड 2 परीक्षण अनुभाग 2 1000 से ऊपर तथा 11000 बोल्टा तक	खंड 2-3 का संशोधन किया गया है।	1 नवम्बर 1970		
(23) IS: 2573-1963 बेल्डरों के लिए चमड़े के दस्तानों की विशिष्टि	एस० ओ० 950 दिनांक संख्या 1 21 मार्च 1964 अक्टूबर 1970	(पृष्ठ 5, आकृति 1 में) (क) पहली ऊंगली के लिए '70' के स्थान पर '75' कर लीजिए (ख) दूसरी ऊंगली के लिए '82' के स्थान पर '85' कर लीजिए (ग) तीसरी ऊंगली के लिए '76' के स्थान पर '80' कर लिया जाए (घ) चौथी ऊंगली के लिए '57' के स्थान पर '55' कर लीजिए (ङ) अंगूठे के लिए '57' के स्थान पर '75' र लिया जाए।	1 अक्टूबर 1970		

*भारतीय मानक संस्था प्रयोग योजना के लिए यह संशोधन 1 जनवरी में लागू होगा।

(1)	(2)	(3)	(4)	(5)	(6)
(24) IS: 2925-1964 औद्यो- गिक वचाव टोपों की वि- शिष्टि	एस० ओ० 1152 दिनांक 10 अग्रैल, 1965	*संख्या 2 अगस्त 1970	1) खंड 5, 1 (बी), 8, 1 और परिशिष्ट 'मी' के स्थान पर नए खंड और परिशिष्ट दिए गए हैं। 2) खंड 0, 3, 5, 1, 8, 4, 8, 7 10, 1 और ए-1-1 का संशो- धन किया गया है।	1 अगस्त 1970	
(25) IS: 2997-1964 हवा देने वाले विजली के पंखों और रेफ्युलेटरों की विशिष्टि	एस० ओ० 664 दिनांक संख्या 3 5 मार्च 1966 सितम्बर 1970	1) खंड 5, 1 19, 2, 4, 4 और 19, 3, 3 का संशोधन किया गया है। 2) खंड 8, 4 और 19, 2, 1, 2 के स्थान पर नए खंड दिए गए हैं।	1 सितम्बर 1970		
(26) IS: 3035 (भाग 2)- 1965 तापनम्य अहतसह रोधित केबलों की वि- शिष्टि भाग 2, पोलीइ- थाइलीन से रोधित, टेप लगे अथवा बिना टेप लगे, बुनावट वाले और यौगिक रोधन वाले	एस० ओ० 3938 दिनांक 25 दिसम्बर 1965	संख्या 2 सितम्बर 1970	1) खंड 6, 1 के स्थान पर नया खंड दिया गया है। 2) मुख्य पृष्ठ और पृष्ठ 1 और 3 पर शीर्षक में निम्नलिखित संशोधन किया गया है : 'बुना- वट वाले और यौगिक रोधन वाले'	1 निसम्बर 1970	
(27) IS: 3235-1965 चिकि- त्सा में प्रयुक्त सूई लगाने की पिचकारीयों सम्बन्धी सामान्य अपेक्षाएँ	एस० ओ० 281 दिनांक 22 जनवरी 1966 अक्टूबर 1970	संख्या 1	(पृष्ठ 7, खंड 8, 7 पंक्ति 2)- IS: 2203-1963* के स्थान पर IS: 2303- 1963* कर लीजिए।	1 अक्टूबर 1970	
(28) IS: 3327-1965 पांव चालित धान गाहने की मशीन की विशिष्टि	एस० ओ० 1081 दिनांक 9 अग्रैल, 1966 सितम्बर 1970	संख्या 1	सारणी 1 का संशोधन किया गया 1 सितम्बर 1970 है।	1 सितम्बर 1970	
(29) IS: 3462-1966 पी बी सी के नाम कर्फी की विशिष्टि	एस० ओ० 2602 दिनांक 27 अगस्त 1966	संख्या 1 सितम्बर 1970	1) [पृष्ठ 6, सारणी 1, स्तम्भ 3, क्रम सं० (12) के आगे, पंक्ति 3]- '5 प्रतिशत' के स्थान पर '0, 5 प्रतिशत' कर लीजिए। 2) एक नया खंड 0, 2, 2 जोड़ा गया है।	1 मितम्बर 1970	
(30) IS: 3522-1966 वस्त्र उद्योग में प्रयुक्त सामान्य परिस्करों का अनुमान लगाने की पद्धति	एस० ओ० 3818 दिनांक संख्या 2 17 दिसम्बर 1966 सितम्बर 1970	संख्या 2 सितम्बर 1970	1) (मुख्य पृष्ठ और पृष्ठ 1 और 3 पर शीर्षक) तीनों पृष्ठों पर शीर्षक में 'भाग 1' जोड़ लीजिए। 2) (पदनाम)- मानक में जहां कहीं भी 'IS: 3522-1966' हो उसके स्थान पर IS: 3522 (भाग 1)-1966 कर लीजिए।	1 सितम्बर 1970	

*भा भा संस्था प्रमाणन योजना के लिए यह संशोधन 1 जनवरी से लागू होगा।

(1)	(2)	(3)	(4)	(5)	(6)
(31) IS:3534-1966 विजली की लिप्टों को रूपमेखा सम्बन्धी माप	एस० ओ० 241 दिनांक 21 जनवरी 1967	संख्या 2 दिनांक 21 जनवरी 1967	सितम्बर 1970	(पृष्ठ 13, मारणी 4, '16 व्यक्ति या 1135 कि० ग्रा० वजन' के आगे) — इस भार के अन्तर्गत सभी प्रविष्टियां हटा दीजिए।	1 मितम्बर 1970
(32) IS:3588-1966 वायु अक्षीय वहाँ वाले विजली के पंखों की विशिष्टि	एस० ओ० 241 दिनांक 21 जनवरी 1967	संख्या 1 दिनांक 21 जनवरी 1967	मितम्बर 1970	1) खंड 4. 1 और 13. 7. 2 का संशोधन किया गया है। 2) खंड 5. 5 के स्थान पर नया खंड जोड़ दिया गया है। 3) पी एक के वर्तमान समीकरण के स्थान पर नया समीकरण दिया गया है।	1 सितम्बर 1970
(33) IS: 3626-1966 कुंडली चहे लिपटवां रसों की विशिष्टि	एस० ओ० 3818 दिनांक 17 दिसम्बर 1966	संख्या 1 दिनांक 17 दिसम्बर 1966	अक्टूबर 1970	सारणी में एक नया साइज़ जोड़ा गया है।	1 अक्टूबर 1970
(34) IS 3706-1966 फाउंडेन पेन की विशिष्टि	एस० ओ० 469 दिनांक 11 फरवरी 1967	*संख्या 1 दिनांक 11 फरवरी 1967	मार्च 1970	1) खंड 0. 2, पृ-3. 1 और मारणी 1 का संशोधन किया गया है। 2) खंड 1. 1 और 4. 2 के स्थान पर नए खंड दिए गए हैं। 3) खंड 7. 4 हटा दिया गया है। खंड 4. 1, 5. 4, 12. 2. 2. 2 और 12-8-2-का संशोधन किया गया है।	1 मार्च 1970
(35) IS : 3963-1966 छन में लगी वायु निष्कामक इकाइयों की विशिष्टि	एस० ओ० 2789 दिनांक 19 अगस्त 1967	संख्या 2 दिनांक 19 अगस्त 1967	सितम्बर 1970	खंड 4. 1, 5. 4, 12. 2. 2. 2 और 12-8-2-का संशोधन किया गया है।	1 सितम्बर 1970
(36) IS : 4261-1967 कागज और गूदे से बनी पैकिंग सामग्री सम्बन्धी घटावली की विशिष्टि	एस० ओ० 4633 दिनांक 30 दिसम्बर 1967	संख्या 1 दिनांक 30 दिसम्बर 1967	मितम्बर 1970	'ब्राक्स', 'कटेनर' और 'कर्लोटेड' फायबर बोर्ड, को परिभाषा-ओं के स्थान पर नई परिभाषाएँ दी गई हैं।	1 सितम्बर 1970
(37) IS:4283-1967 गर्म हवा देने वाले पंखों की विशिष्टि	एस० ओ० 287 दिनांक 20 जनवरी 1968	संख्या 2 दिनांक 20 जनवरी 1968	सितम्बर 1970	1) खंड 4. 1, 17. 4. 3 और 17. 10. 3 का संशोधन किया गया है। 2) खंड 5. 3 के स्थान पर नया खंड दिया गया है।	1 सितम्बर 1970
(38) IS : 4388-1967 रबड़ के होजों के प्रबलन के लिए सूती कपड़े की विशिष्टि	एस० ओ० 1719 दिनांक 18 मई 1968	संख्या 1 दिनांक 18 मई 1968	सितम्बर 1970	1) खंड 2. 1, 2. 2 और मारणी 2 का संशोधन किया गया है। 2) सारणी 1 के स्थान पर नई मारणी दी गई है।	1 सितम्बर 1970
(39) IS' 4497-1968 16- मिमी के सुवाहये इवनि और-चित्तदर्गी सिनेमा प्रोजेक्टर की विशिष्टि	एस० ओ० 2036 दिनांक 8 जून 1968	संख्या 1 दिनांक 8 जून 1968	सितम्बर 1970	1) (पृष्ठ 2, खंड 0. 6, पक्षि 3)-3975' के स्थान पर '3675' कर लीजिए। 2) (पृष्ठ 9, खंड 4. 5, 'पक्षि 1')-'एक्साइटेड' के स्थान पर 'एक्साइटर' कर लीजिए।	1 सितम्बर 1970

*भारतीय मानक संस्था (प्रमाणन विभाग) योजना के कार्य के लिए मद संशोधन 1 नवम्बर 1970

(1)	(2)	(3)	(4)	(5)	(6)
			3) खंड 4. 4. 1. 3 और 4. 4. 3 के स्थान पर नए खंड दिए गए हैं।		
			4) एक नया खंड 4. 4. 4 जोड़ा गया है और वर्समान छंड 4. 4. 4 का क्रमांक बदल कर खंड 4. 4. 5 को दिया गया है तथा उसके स्थान पर नया खण्ड दिया गया है।		
(40) IS : 4745-1968 पक्की नहरों की आड़ी काट की डिजाइन की रीति- संहिता	एस० ओ० 368 विनांक 25 जनवरी 1969	संख्या । मितम्बर 1970	एक नया खंड 0. 2. 1 जोड़ा गया है।	1 सितम्बर 1970	
(41) IS : 4760-1968 द्रवित पेट्रोलियम गैसों से चलने वाले ग्रिलर लगे धरेल चूल्हे की विशिष्टि	एस० ओ० 1455 विनांक 19 अप्रैल 1969	संख्या । अक्टूबर 1970	1) खंड 6. 1. 1, 37, 1, 37. 2 और 8. 1 के स्थान पर नए खंड दिए गए हैं। 2) खंड 23 के शीर्षक को बदल कर निम्नलिखित कर दिया गया है : 'उद्घालने वाले बर्बर द्वारा कुल गैस की खपत' 3) सारणी 1, खंड के-3. 1 (एफ) 7. 5, 10. 1, एच 1. 2 और के-3 का संशोधन किया गया है। 4) नए खंड 3. 4 और 23. 2 जोड़े गए हैं।	1 अक्टूबर 1970	
(42) IS : 4894-1968 प्रण- केन्द्रीय पद्धों को विशिष्टि	एस० ओ० 1455 दिनांक 19 अप्रैल 1969	संख्या । सितम्बर 1970	1) खंड 4. 1 और 12. 7. 2 का संशोधन किया गया है। 2) खंड 5. 5 के स्थान पर नया खंड दिया गया है।	1 सितम्बर 1970	
(43) IS : 5024-1968 घुटनों पर रखने की गटियों के लिए भैंस की पीठ के चमड़े की विशिष्टि	एस० ओ० 2330 दिनांक 14 जून 1969	संख्या । सितम्बर 1970	[पृष्ठ 5, सारणी 1, स्तम्भ 3, क्रम संख्या (2)]-‘1. 0’ के स्थान पर ‘2. 5 कर लीजिए।	1 सितम्बर 1970	
(44) IS : 5052-1969 एल्यू- मिनियम और उसकी मिश्रधातु के टैम्परों के पदनाम	एस० ओ० 3098 दिनांक 2 अगस्त 1969	संख्या । सितम्बर 1970	(पृष्ठ 3, खंड 3. 1 अनोप- चारिक सारणी पंक्ति 2 के मन्तर्गत ‘विवरण’ में)- “टैम्परेचर” के स्थान पर ‘टैम्पर’ कर लोजिए।	1 सितम्बर 1970	

1

2

3

4

5

6

- (45) IS : 5054 (भाग-1)
-1969 रेडियो आवृत्ति
समाजिक की विशिष्ट
भाग 1 सामान्य अपेक्षाएँ
और परीक्षण
- एम० ओ० 3929
दिनांक 27 सितम्बर
1969
- मंख्या 1
मितम्बर 1970
- खंड 7. 4. 1. 1 का मंशोधन
किया गया है।
- 1 सितम्बर 1970
- (46) IS : 5070-1969 धूरे
द्रवजां लोह केलिए विना
खांचेदार छड़ (बीम)
शायात परीक्षण पद्धति
- एम० ओ० 3728
दिनांक 13 मितम्बर
1969
- मंख्या 1
मितम्बर 1970
- खंड 3. 1. प-1 और प-3 का
मंशोधन किया गया है।
- 1 मितम्बर 1970
- (47) IS : 5082-1969 विद्युत
कार्यों के लिए रिट्रॉवां
ग्ल्यूमिनियम और एल्यू-
मिनियम मिश्र धातु की
छड़, मणिया, नलियां
और मैट्रिक्स की विशिष्टि
- एस० ओ० 436 दिनांक मंख्या 1
7 फरवरी 1970 मितम्बर 1970
- 1) (पृष्ठ 3, खंड 0. 7, पंक्ति 3 और पृष्ठ 5 खंड 8. 1, पंक्ति 4)-'एच 2' के स्थान पर
'एच 1' कर लीजिए।
2) (पृष्ठ 6, सारणी के शीर्षक) -
शीर्षक के प्रारम्भ में शब्द,
'सारणी' 1' जोड़ दीजिए।
3) (पृष्ठ 6, सारणी 1, दूसरा 1 मितम्बर 1970
स्तर) -'एच 2' के स्थान
पर 'एच 1' कर लीजिए।
- 1 मितम्बर 1970

इन भारतीय मानकों की प्रतियां भारतीय मानक मंस्था, 9 बहारदुरशाह जफर मार्ग, नई दिल्ली,-1, और उसके शाखा कार्यालयों
(1) प्रो-18, न्यू निहिन इंडियन एनेस्टी, असरवा, अहमदाबाद-16 (2) मिडीकेट बैंक बिल्डिंग, गांधी नगर, बंगलौर-9 (3) 534,
मरदार बल्लभ भाई पटेल रोड, बम्बई-7 (4) 5, चौरसी एप्रोच रोड कलकत्ता-13, (5) 5-9-201/2, चिरग अली लेन, हैदरगांवाद-1
(6) 117/418, श्री-तर्वोदय नगर, कानपुर-5, और (7) 54, जनरल ईंटर्म रोड, मद्रास-2 से प्राप्त की जा सकती है।

[म० सी० एम० डी०/13:5]

(INDIAN STANDARD INSTITUTION)

New Delhi, the 9th November 1971

S. O. 2402.—The Certification Marks Licences, details of which are mentioned in the following schedule, have lapsed or their renewals referred:

THE SCHEDULE

Sl. No.	Licence No. & Date of issue	Name and Address of the Licencsee	Article/Process and the relevant IS : Designation	S. O. Number date of the Gazette Notifying Grant of Licence	Remarks
(2)	(3)	(4)	(5)	(6)	
1 CM/L-14 3-9-1956	The Metal Rolling Works Pvt Ltd, 104 Sion-Matunga Estate, Sion, Bombay 22	Sheets, strips and circles- IS : 21-1959	S.R.O. 2052 dt. 15-9-1956	Deferred after 31-8-1971	

(1)	(2)	(3)	(4)	(5)	(6)
2 CM/L-45 20-1-1968	B.S. & Co., 33 Brabourne Road Calcutta.	Tea-chest plywood panels IS : 10-1964	S. O. 13 dt. 15-2-1968	Renewal was deferred after 31-1-1967; the licensee is now to be treated as lapsed after that date.	
3 CM/L-166 8-2-1960	Andamans Timber Industries Ltd., 26 Chittaranjan Avenue Calcutta	Tea-chest plywood panels IS 10-1964	S. O. 427 dt. 20-2-1960	Renewal was deferred after 29-2-1968; the licensee is now to be treated as lapsed after that date.	
1 CM/L-280 13-3-1961	Jayshree Plywood, India Exchange Calcutta	Tea-chest plywood panels IS-10-1964	S. O. 816 dt. 15-4-1961	Renewal was deferred after 15-3-1967; the licensee is now to be treated as lapsed after that date.	
5 CM/L-335 21-8-1961	Alpha Electric & Engg Co; 30, Single-phase small and universal electric motors with class 'A' insulation- IS : 996-1959.	Calicut Street, Ballard Estate, Bombay	S. O. 221 dt. 16-6-1961	Renewal was deferred after 14-9-1965; the licensee is now to be treated as lapsed after that date.	
6 CM/L-448 24-8-1962	Bharat Plywood & Timber Products Pvt Ltd, Cannanore, North Malabar	Tea-chest plywood panels- IS : 10-1964	S. O. 2825 dt. 15-9-1962	Renewal was deferred after 31-8-1969; the licensee is now to be treated as lapsed after that date.	
7 CM/T-563 18-7-1963	Bharat Pulverising Mills Pvt Ltd, Chakala, Andheri-Kurla Road, Bombay 69 (Office : 38-A Sayani Road, Bombay 28)	Parathion emulsifiable— concentrates— IS : 2129- 1962	S. O. 2372 dt. 24-8-1963	Deferred after 15-8-1971	
8 CM/L-618 10-1-1964	Indian Malleable Castings Ltd, P. O. Domchanch Distt. : Hazaribagh (Bihar)	Bicycle frames—IS : 623-1963	S. O. 603 dt. 22-2-1964	Renewal was deferred after 15-2-1967, the licensee is now to be treated as lapsed after that date.	
9 CM/L-747 27-7-1964	Radio & Electricals Mtg. Co. Ltd, Mysore Road, Post Bag No. 6, Bangalore-26(Mysore)	Water meters, dry dial type of 15 mm, 20 mm, & 25 mm sizes:- IS 779-1968	S. O. 3487 dt. 3-10-1964	Deferred after 15-9-1971	
10 CM/L-1009 9-2-1965	U. P. Cable Co, 4 D.L.P. Industrial Area, Naiyalgarh Road, New Delhi (Office : Old Ganesh Mills Bldg.— Kishan Ganj, Delhi-6)	VIR cables for fixed wiring IS : 434 (Part I & II) — 1964	S.O. 987 dt. 27-3-1965	Deferred after 31-8-1971	
11 CM/L-1155 15-10-1965	Rajasthan Cable Industries Ltd., Kota (Rajasthan)	Vulcanized rubber Insulated cables & flexible cords- IS : 434 (Part I & II)— 1964	S. O. 3586 dt. 20-11-1965	Renewal was deferred after 31-10-69; the licensee is now to be treated as lapsed after that date.	
12 CM/L-1169 3-12-1965	Central Insecticides & Fertilizers, ITO Industrial Estate, Indore (M.P.)	DDT water dispersible powder concentrates— IS : 565-1961	S. O. 410 dt. 5-2-1966	Deferred after 31-8-1971	
13 CM/L-1199 18-1-1966	Bharat Pulverising Mills , Pvt Ltd, Chinchwadi Cross Lane Byculla, Bombay	Graphite for use as foundry facing materials IS : 1305-1963	S.O. 525 dt. 19-2-1966	Renewal was deferred after 31-5-1969; the licensee is now to be treated as lapsed after that date	
14 CM/L-1207 4-2-1966	Power Cables, Pvt Ltd, Vithalwadi, Kalyan (Maharashtra)	Mild steel wire for general engineering purposes— IS : 280-1962	S.O. 851 dt. 19-3-1966	Renewal was deferred after 31-3-1969; the licensee is now to be treated as lapsed after that date	
15 CM/L-1589 20-12-1967	Katia Steel Rolling Works, 613 Barrackpore Trunk Road, P.O. Agarpatta, 24, Parganas (Office : 93 Park Street, Calcutta.)	Structural steel (Standard quality)—IS : 226- 1969	S. O. 284 dt. 20-1-1968	Deferred after 30-6-1971	
16 CM/L-1590 20-12-1967	Do.	Structural steel (standard quality)—IS : 226-1969	S. O. 284 dt. 20-1-1968	Deferred after 30-6-1971	
17 CM/L-1647 5-3-1968	Standard Mineral Products Pvt Ltd, Subhas Nagar, Jogeshwari (East), Bombay- 60	Malathion emulsifiable concentrates— IS : 2567-1963	S. O. 1470 dt. 27-4-1968	Deferred after 31-8-1971	
18 CM/L-1822 28-10-1968	Katia Steel Rolling Works , 613 B. T. Road, P.O. Agarpatta, 24 Parganas (Office : 93 Park Street, Calcutta-16)	Hot rolled steel strips (balings) IS : 1029-1970	S. O. 4257 dt. 30-11-1968	Deferred after 30-6-1971	
19 CM/L-1935 17-3-1969	Agarwal Steel Industries , Mirol—Maroshi Road, Marol Bombay.	Structural steel (ordinary quality)—IS : 1977- 1969	S. O. 1639 dt. 3-5-1969	Renewal was deferred after 15-3-1970; the licensee is now to be treated as lapsed after that date.	

(1)	(2)	(3)	(4)	(5)	(6)
20 CM/L-2112 16-10-1969	Patel Rolling Mills, Kolshet Road (Near Power House) Thana	Structural steel (standard quality)—IS : 226-1969	S. O. 4849 dt. 6-12-1969	Renewal was deferred after 15-10-1970; the licence is not to be treated as lapsed after that date.	
21 CM/L-2113 16-10-1969	Do.	Structural steel (ordinary quality)—IS : 1977-1969	S. O. 4849 dt. 6-12-1969	Renewal was deferred after 15-10-1970; the licence is now to be treated as lapsed after that date.	
22 CM/L-2140 31-10-1969	Agro-Industrial Chemicals Co. Rudrapur, Distt : Nainital	Dieldrin emulsifiable concentrates—IS : 1054-1962	S. O. 4849 dt. 6-12-1969	Renewal was deferred after 31-10-1970; the licence is now to be treated as lapsed after that date.	
23 CM/L-2334 29-5-1970	Shri Laxmi Mineral Industries, 2/2, Dr R. N. Tagore Road, Calcutta-57	BHC dusting powders — IS : 561-1962	S. O. 2802 dt. 22-8-1970	Lapsed after 21-5-1971.	
24 CM/L-2349 19-6-1970	Pesticides India, Udaipur (Rajasthan)	Malathion water dispersible powder concentrates—IS : 2569-1963	S. O. 3429 dt. 24-10-1970	Renewal was deferred after 30-6-1971; the licence is now to be treated as lapsed after that date.	
25 CM/L-2376 27-7-1970	The Bharat Plywood & Timber Products Pvt Ltd., Ballaparam (Kerala Office : Fort Road, P.O. Box 21, Cannanore-1, (Kerala))	Plywood for general purposes-IS : 303-1960	S. O. 2109 dt. 29-5-1971	Lapsed after 31-7-1971.	
26 CM/L-2381 31-7-1970	Bramhappa Tavanappanavar Pvt. Ltd., Krishnaraja Road, Post Box No. 7, Davangere (Mysore State)	Compounded feed for cattle-IS: 2052-1968	S. O. 2109 dt. 29-5-1971	Deferred after 15-8-1971.	
27 CM/L-2398 31-8-1970	Tuticorin Salt Refineries Ltd, Urani Extension Salt Factory, Tuticorin-4 (Office : 283, West Great Cotton Road, Tuticorin-2)	Light magnesium carbonate for cosmetic industry-IS : 2528-1963	S. O. 57 dt. 2-1-1971	Lapsed after 15-9-1971.	
28 CM/L-2408 11-9-1970	Artee Minerals, 15/7, Mathura Road, Faridabad (Haryana)	Endrin EC—IS : 1310-1958	S. O. 3349 dt. 11-9-1971	Deferred after 15-9-1971.	

[No. CMD/13:14]

(भारतीय भासक संस्था)

मई दिल्ली, 9 नवम्बर, 1971

एस० श्री० 2402.—नीचे जिन प्रमाणन मुहर लाइसेंसों के व्यौरे प्रनुसूची में दिए गए हैं या तो वे रद्द हो गए हैं प्रबवा उनका नवीकरण स्थगित कर दिया गया है :

प्रनुसूची

क्रम संख्या	लाइसेंस सं० श्रीर जारी लाइसेंसधारी का नाम और करने की तारीख	वस्तु प्रक्रिया और संरसम्बन्धी : पदनाम	एस श्री सं० तिथि, जिस गजट में सूचना छपी थी	विवरण
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(1)	(2)	(3)	(4)	(5)	(6)
1 श्री एम/एल-14 3-9-1956	दि मेटल रोलिंग बक्से प्रा०, चहर, पत्तियों और मटुंगा स्टेट, सियान-22	बहर, पत्तियों और छले— IS : 21-1959	एस श्री 2052 दिनांक 15-9-1956	31-8-1971 बाद स्थगित	के

(1)	(2)	(3)	(4)	(5)	(6)
2 सी एम/एल-45 20-1-1968	बी एस एण्ड कं०, 33 बै बोर्न रोड, कलकत्ता	चाय की पेटियों के लिए एस ओ० 13 प्लाइवुड के तख्ते— दिनांक 15-2-1958 IS: 10-1964	31-1-1967 के बाद इस लाइसेंस को स्थगित किया गया था अब उसी तिथि से इसको रद्द माना जाए।		
3 सी एम/एल-166 8-2-1960	अंडमान टिम्बर इंडस्ट्रीज लि०, 26, चितरंजन ऐवेन्यू, कलकत्ता	चाय की पेटियों के लिए प्लाइवुड के तख्ते— IS : 10-1964	29-2-1968 के बाद यह लाइसेंस स्थ- गित किया गया था अब उसी तिथि से रद्द माना जाए।		
सी एम/एल-280 13-3-1961	जय श्री प्लाइवुड इंडिया एक्सर्चेंज कलकत्ता	चाय की पेटियों के लिए एस ओ० 427 प्लाइवुड के तख्ते— दिनांक 20-2-1970 IS : 10-1964	15-3-1967 के बाद यह लाइसेंस स्थ- गित किया गया था अब उसी तिथि से रद्द माना जाए।		
5 सी एम/एल-335 24-8-1961	ऐल्का इलेक्ट्रिक एण्ड इंजी फं०, '30, कालीकट स्ट्रीट, बैलर्ड ५ रोड, बम्बई	एक केजी छोटे ऐसी एस ओ० 2214 और यूनिवर्सल बिजली विनांक 16-9-1961 के मोटर, ए श्रेणी के रोधन लगे— IS : 996-1964	14-9-1965 के बाद यह लाइसेंस स्थगित किया गया था अब उसी तिथि से रद्द माना जाए।		
6 सी एम/एल-448 24-8-1962	भारत प्लाइवुड एण्ड टिम्बर प्रोडक्ट्स प्रा० लि०, कश्मीर उत्तरी मालाबार	चाय की पेटियों के एस ओ० 2845 लिए प्लाइवुड के दिनांक 15-9-1962 तख्ते— IS : 10-1964	31-9-1966 के बाद यह लाइसेंस स्थगित किया गया था अब उसी तिथि से रद्द माना जाए।		
7 सी एम/एल-563 18-7-1963	भारत पुलवराइंजिंग मिल्स प्रा० लि०, चकला, अंधेरी- कुली रोड, बम्बई 69 कार्यालय 38 ए, (सपानी रोड, बम्बई-28)	पाराथियों का पायसै- नीयतेज द्रव्य— एस ओ० 2372 दिनांक 24-8-1963 IS : 2129-1962	15-8-1971 के बाद स्थगित।		
8 सी एम/एल-618 10-1-1964	इंडियन मैलियेबल कास्टिरज लि०, डाकधर डोमछाल जिला हजारीबाग (बिहार)	साइकिल फेम— IS : 623-1963 दिनांक 22-2-1964	15-2-1967 के बाद यह लाइसेंस स्थगित किया गया था अब उसी तिथि से रद्द माना जाए।		
9 सी एम/एल-747 27-7-1964	रेडियो एण्ड इलेक्ट्रिकल मैन्यू० कं० लि०, मैसूर रोड, पोर्ट बाबस सं० 6 बंगलौर-26 (मैसूर)	पानी के घरेलू जलमापी एस ओ० 3487 शुष्क डायल टाइप 15 दिनांक 3-10-1964 बाद स्थगित मिमी 20 मिमी और 25 मिमी साइज— IS : 779-1968	15-9-1971 के		

(1)	(2)	(3)	(4)	(5)	(6)
10	सी एम/एल-1009 9-2-1965	यू० पी० कैबल कं०, 4 डी ' जडऊ वार्यारिंग के लिए प्र० एल एफ इंडस्ट्रियल एरिया, बी आई आर कैबल— नजफगढ़ रोड नई दिल्ली (कार्यालय : पुरानी गणेश मिल्स बिल्डिंग, किशन गंज, दिल्ली-6	जडऊ वार्यारिंग के लिए IS : 434 (भाग 122)-1964	एस ओ 987 दिनांक 27-3-1965	31-8-1971 के बाद स्थगित
11	सी एम/एल-1155 15-10-1965	राजस्थान कैबल इंडस्ट्रीज लिं०, कोटा (राजस्थान)	वल्कनीकृत रखड़रोधित कैबल और तचकीली डोरियां— IS : 434 (भाग 122)-1964	एस ओ 3586 दिनांक 20-11-1965	31-10-1971 के बाद इस लाइसेंस को स्थगित कर दिया गया था अब उसी तिथि से रद्द माना जाए।
12	सी एम/एल-1169 31-12-1965.	मेंट्रल हेसेकटीसाइड्स एप्ल फटिलाइजर्स 110, इंड-स्ट्रियल इस्टेट, इंडोर (म० प्र०)	डी डी टी जल विमर्ज- नीय तेज चूर्ण— IS : 585-1961	एस ओ 410 दिनांक 5-2-1966	31-8-1971 के बाद स्थगित।
13	सी एम/एस-1199 18-1-1966	भारत पुल्पवराइजिंग मिल्स प्रा० लिं०, चिचंपोकलीक्राम लेन, वाहकुला, बम्बई	फाउंड्रियों में फेस देने प्रा० लिं०, चिचंपोकलीक्राम की सामग्री के रूप में प्रेफाइट— IS : 1305-1963	एस ओ 525 दिनांक 19-2-1966	31-5-1969 के बाद इस लाइसेंस का नवीकरण स्थगित किया गया था अब उसी तिथि से रद्द माना जाए।
14	सी एम/एल-1207 11-2-1966	पावर कैबल प्रा० लिं०, विठ्ठलखाड़ी, कन्याण, (मत्राराष्ट्र)	इंजीनियारिंग कार्यों के लिए गृह इस्पात के तार— IS: 280-1962	एस ओ 851 दिनांक 19-3-1966	31-3-1969 के बाद इस लाइसेंस का नवीकरण स्थगित किया गया था अब उसी तिथि से रद्द माना जाए।
15	सी एम/एल-1589 20-12-1967	कटिया स्टील रोलिंग बर्स, 6/3, बैरकपुर ट्रैकरोड, बाकघर अगरपाड़ा 24- परगता (कार्यालय 93 पार्क स्ट्रीट, कलकत्ता-16)	संरचना इस्पात (मानक 6/3, बैरकपुर ट्रैकरोड, किस्म)--- IS: 226-1969	एस ओ 284 दिनांक 20-1-1968	30-6-1971 के बाद स्थगित।
16	सी एम/एस-1590 20-12-1967	„	संरचना इस्पात (साधारण किस्म)--- IS: 1977-1969	एस ओ 284 दिनांक 20-1-1968	30-6-1971 के बाद स्थगित।
17	सी एम/एल-1647 5-3-1968	स्टैंडर्ड मिनरल प्रोडक्ट्स प्रा० लिं०, सुभाषनगर, जोगेश्वरी (पूर्व), बम्बई-60	मालाधियोन पायसनीय तेज ब्रह्म;— IS: 2567-1963	एस ओ 1470 दिनांक 27-4-1968	31-8-1971 के बाद स्थगित।

1	2	3	4	5	6
18	मी एम/एल-1822 28-10-1968	कटिया स्टील रोलिंग वर्सं, 6/8 बी० डी रोड, डाक- वर अग्रपाड़ा, 24 पश्चिमा (कार्यालय 93 पार्क स्ट्रीट, कलकत्ता-16	बांधने के लिए गर्म रोल्ड इस्पात की पत्तियाँ— IS: 1029-1970	एम ओ 4257 दिनांक 30-11-1968 बाद स्थगित।	30-6-1971 के
19	मी एम/एल-1935. 17-3-1969	अग्रवाल स्टील इंडस्ट्रीज़, मरोन मरोनी रोड, मरोन बम्बई	मंरचना इस्पात (माध्य- रण किस्म)--- IS: 1967-1969	एम ओ 1639 दिनांक 3-5-1969	15-3-1970 के बाद इस लाइसेंस का नवीकरण स्थ- गित किया गया था अब उसी तिथि से रद्द माना जाए।
20	मी एम/एल-2112 16-10-1969	पटेल रोलिंग मिल्स, मंरचना इस्पात (मानक (कोलशेत रोड (पावर . किस्म)--- हाउस के भूमीप)	एम ओ 4849 दिनांक 6-12-1969 IS: 226-1969	एम ओ 4849 दिनांक 6-12-1969	15-10-1970 के बाद इस लाइसेंस का नवीकरण स्थ- गित किया गया था अब उसी तिथि से रद्द माना जाए।
21	मी एम/एल-2113 16-10-1969	"	मंरचना इस्पात (माध्यरण किस्म)--- IS: 1977-1969	एम ओ 4849 दिनांक 6-12-1969	15-10-1970 के बाद इस लाइसेंस का नवीकरण स्थ- गित किया गया था अब उसी तिथि से रद्द माना जाए।
22	मी एम/एल-2140 31-10-1969	एग्रो-इंडस्ट्रियल कैमिकल्स कं०, झंडपुर, जिला नैनीताल	डाइएल्फिन पायमनीय तेज इव— IS: 1054-1962	एम ओ 4849 दिनांक 6-12-1969	31-10-1970 के बाद इस लाइसेंस का नवीकरण स्थ- गित किया गया था अब उसी तिथि से रद्द माना जाए।
23	मी एम/एल-2334 19-5-1970	श्री लक्ष्मी मिनरल इंडस्ट्रीज, बी० एच स० धूलत 2/2 डा० आर० एन० टैंगोर पाउडर— रोड, कलकत्ता-57	एस ओ 12802 दिनांक 22-8-1970 IS: 561-1962	एस ओ 12802 दिनांक 22-8-1970	31-5-1971 के बाद रद्द
24	मी एम/एल-2348 19-6-1970	पेस्टीमाइडम इंडिया उदय- दुर (गजस्थान)	मालाथियोन जलविम- र्जनीय तेज चूर्ण— IS: 2569-1963	एम ओ 3429 दिनांक 24-1-1970	30-6-1971 के बाद इस लाइसेंस का नवीकरण स्थ- गित किया गया था अब उसी तिथि से रद्द माना जाए।
25	मी एम/एल-2376 27-7-1970	दि भारत प्लाइवुड एंड टिम्बर प्रोडक्ट्स प्रा० लि० प्लाइवुड— बलियापट्टम (केरल) [कार्यालय :फोर्ट रोड, डाकघर बाब्म 21, कक्षोर-1 (केरल)]	मामाय कार्यों के लिए IS: 303-1960	एम ओ 2109 दिनांक 29-5-1971	31-7-1971 के बाद रद्द।

(1)	(2)	(3)	(4)	(5)	(6)
26	मी एम/एल-2381 31-7-1970	ब्रह्मपुरा तवनप्यानवर प्रा० पशुओं के लिए मिश्रित एस ओ 2109 लि०, कुण्डराज रोड, आहार— पोस्ट बाब्स सं० 7, IS : 2052-1968 दंवनगिर (मैसूर राज्य)	29-5-1971	15-8-1971 के बाद स्थगित।	
27	सा एम/एल-2398 31-8-1970	तृतीकोरन साल्ट रिफाइन- नरीज, यूरानी एस्सेटेशन साल्ट फैक्टरी, तृतीकोरन— 4 (कार्यालय : 283 वेस्ट चेट कार्नन रोड, तृतीकोरन-2)	शुगार प्रसाधन उद्योग एस ओ 57 के लिए मैग्नीशियम विनांक 2-1-1971 कार्बोनेट— IS : 2528-1963	15-9-1971	के बाद स्थगित
28	मी एम/एल-2408 11-9-1970	आरती भिनरल्स, 15/7, मधुरा रोड, फरीदाबाद (हरयाणा)	एन्ड्रिन का पायमनीय एस ओ 3349 तेज द्व— दिनांक 1-9-1971 IS: 1310-1958	15-9-1971	के बाद स्थगित

[मे० मी० एम० डी०/13:14]

New Delhi 19th November 1971

S.O. 2403.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955 as amended from time to time, the Indian Standards Institution hereby notifies that twenty one licences, particulars of which are given in the following Schedule, have been granted during the month of September 1971 authorising the licensees to use the Standard Marks :

THE SCHEDULE

Sl. No.	Licence No. (CM/L-)	Period of Validity		Name and Address of the Licensee	Article/Process covered by the License and the Relevant IS : Designation
		From	To		
(1)	(2)	(3)	(4)	(5)	(6)
1	CM/L-2757 1-9-1971	16-9-1971	15-9-1972	Krishna Miners and Traders, 12, Industrial Area, Jaipur West, Jaipur (Rajasthan) having their office at Gehlot Bhawan, New Colony Road, Jaipur-I	BHC Dusting Powders— IS : 561-1962.
2	CM/L-2758 7-9-1971	16-9-1971	15-9-1972	Multiplex Agro Industries (Pvt.) Ltd., Plot No. 184/11 & 12, Naroda Industries Estate Naroda, Ahmedabad-2	Aldrin Dusting Powders— IS : 1308-1958.
3	CM/L-2759 10-9-1971	16-9-1971	15-9-1972	Ghai's Private Limited, W/3, Industrial Area, Yamuna Nagar	Plywood tea-chest battens— IS : 10-1964.
4	CM/L-2760 13-9-1971	16-9-1971	15-9-1972	Allied Industrial Traders, 55-B, Wazir Hasan Road, Lucknow-I	Single Barrel Stirrup Pump— IS : 1971-1965.
5	CM/L-2761 13-9-1971	16-9-1971	15-9-1972	Baij Nath Asharfi Lall, D. C. Road, Ambala Cantt.	Common Proofed Paulins (Ter-paulins)—IS : 2089-1962.
6	CM/L-2762 13-9-1971	16-9-1971	15-9-1972	Jolly Steel Industrial Pvt. Ltd., 32, Nagar Road, Poona-14 having their office at 23, Bund Garden Road, Poona-I	Structural Steel (Standard Quality)— IS : 226-1969.
7	CM/L-2763 13-9-1971	16-7-1971	15-9-1972	Do.	Structural Steel (Ordinary Quality)— IS : 1977-1969.
8	CM/L-2764 13-9-1971	16-9-1971	15-9-1972	Luz Electrical (P) Ltd. 133, Ballaghata Main Road, Calcutta-10 (West Bengal), having their office at 30 Chittaranjan Avenue, Calcutta (West Bengal)	Luminaires for Street Lighting— IS : 2149-1970.
9	CM/L-2765 13-9-1971	16-9-1971	15-9-1972	Chemicals and Plastics India Ltd., Raman Nagar, Mettur Dam-3, Salem Distt. (Tamil Nadu) having their Office at 175/1 Mount Road, Madras-2 (Tamil Nadu)	Rigid Non-metallic Conducts for Electrical Installations— IS : 2509-1963.

(1)	(2)	(3)	(4)	(5)	(6)
10 CM/L-2766 14-9-1971	16-9-1971	15-9-1972	Indo-Japan Steels Limited, 5/1, G. T. Cold Rolled Steel Strips (Box Road, Belur, Howrah having their Strappings)—IS : 5872-1970.	Office at 11, Govt. Place (East), Calcutta-1.	
11 CM/L-2767 16-9-1971	16-9-1971	15-9-1972	Pilsnor Breweries India Ltd, Arlem Unit, Beer-IS : 3865-1966. Arlem Margao-Borim Road, Margao, Goa, having their Office at 'Chowgule House' Marmugao Harbour, Goa.		
12 CM/L-2768 16-9-1971	16-9-1971	15-9-1972	Bangalore Pesticides Ltd, 10th Milestone Tumkur Road, Bangalore-22, having their office at 9-B, Palace Road, Bangalore-1B.	BHC Water Dispersible Powder Concentrates—IS : 562-1962.	
13 CM/L-2769 16-9-1971	16-9-1971	15-9-1972	Do.	DDT Water Dispersible Powder Concentrates—IS : 565-1971	
14 CM/L-2770 16-9-1971	16-9-1971	15-9-1972	Bangalore Pesticides Ltd., 10th Milestone, Tumkur Road, Bangalore-22, having their office at 9-B, Palace Road, Bangalore-1B.	Copper Oxychloride Water Dispersible Powder Concentrates—IS : 1507-1966.	
15 CM/L-2771 16-9-1971	16-9-1971	15-9-1972	Industrial Minerals & Chemicals Co. Pvt. Limited, Kurla-Marol Road, Chakala, Andheri, Bombay-58, having their office at 125, Narayan Dhrub Street, Nagdevi, Bombay-3.	Do.	Thiometon Emulsifiable Concentrates—IS : 3905-1966.
16 CM/L-2772 16-9-1971	16-9-1971	15-9-1972	Angus Company Limited, P. O. Angus, Hooghly, having their office at 3 Clive Row, Calcutta-1.	Dichlorvos Emulsifiable Concentrates—IS : 5277-1969.	
17 CM/L-2773 16-9-1971	16-9-1971	15-9-1972	Associated Instrument Manufacturers (India) Pvt. Ltd., 35, Nafatgarh Rd., New Delhi-15, having their office at Sunlight Building, 26/27, Asaf Ali Road, New Delhi.	(i) DW-Flour Jute Cloth—IS : 3966-1967. (ii) DW-Flour Bags—IS : 3984-1967.	
18 CM/L-2774 17-9-1971	1-10-1971	30-9-1972	Ronald Engineers, 7/B, Kumar Danga Road, Calcutta-46,	Apparatus used in Le-Chatelet Test—IS : 5514-1969.	
19 CM/L-2775 17-9-1971	1-10-1971	30-9-1972	Ahmedabad Steel Craft & Rolling Mills, Near Odhay Bag Stand, Ahmedabad-21, having their office at Gupta Chambers near Begecha mills, outside Sarangpur Gate, Sarangpur, Ahmedabad-2 (Gujarat)	Door Closers (Hydraulically Regulated)—IS : 3564-1966.	
20 CM/L-2776 27-9-1971	1-10-1971	30-9-1972	Fort Gloster Industries Ltd, (Unit-New Mill) Fort Gloster (Distt. Howrah 1964, West Bengal having their office at 21, Strand Road, Calcutta.	Rolled Steel Sections, F7B for Doors, Windows, Ventilators—IS : 1038-1968.	
21 CM/L-2777 27-9-1971	1-10-1971	30-9-1972	Fort Gloster Industries Ltd, (Unit-A-Twill Jute Bags—IS : 1943-1964.)	A-Twill Jute Bags—IS : 1943-1964.	

[No. CMD/13:11]
S. K. SEN,
Director General.

नई विल्सी, 19 नवम्बर, 1971

एस० श्रो० 2403.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विहृ) विनियम 1955, के विनियम 8 के उपविनियम (1) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि 21 लाइसेंस जिनके ब्यारे नीचे अनुसूची में दिए गए हैं, लाइसेंसधारियों को मानक सम्बन्धी मुहर लगाने का अधिकार देते हुए स्वीकृत किए गए हैं :

अनुसूची

क्रम संख्या	लाइसेंस संख्या (सी एम/ईल—)	वैधता की अवधि से तक	लाइसेंसधारी का नाम और पता	लाइसेंस के अधीन वस्तु प्रक्रिया और तत्सम्बन्धी भारतीय मानक
(1)	(2)	(3)	(4)	(5)
1. एम/एल-2757 1-9-1971	16-9-1971	15-9-1972	कृष्ण माइनर्स एण्ड ड्रेसर्स, 12, बी एच सी घूलन पाठमार—इडस्ट्रियल एरिया, जयपुर पश्चिम जयपुर (राजस्थान) (कार्यालय : गहरीत भवन, न्यू कालोनी रोड, जयपुर-1)	IS: 561-1962

(1)	(2)	(3)	(4)	(5)	(6)
2.	सी एम/एल-2758 7-9-1971	16-9-1971	15-9-1971	माल्टीजेक्स ऐंग्रो हैंडस्ट्रीज एलिवेटर धूनत पाउडर-- (प्रा०) नि० ज्लाट स० 184/ 11 और 12, नरोडा हैंडस्ट्रीज इस्टेट, नरोडा, अहमदाबाद-2	IS: 1308-1958
3.	सी एम/एल-2759 10-9-1971	16-9-1971	15-9-1972	धर्दा प्राइवेट लिमिटेड, छब्बी/3, इंडस्ट्रियल प्रिया, यमुना नगर	चाय की पेटियों के लिए प्लाइवृष्ट की पट्टियाँ — IS: 10-1964
4.	सी एम/एल-2760 13-9-1971	16-9-1971	15-9-1972	एलाइंड हैंडस्ट्रियल ट्रेडर्स, एक नाली वाले पायदान 55-बी, बजीर हसन रोड, सख्तनऊ-1	लगे पम्प— IS: 1971-1965
5.	सी एम/एल-2761 13-9-1971	16-9-1971	15-9-1972	बैंजनाथ अणरफीलाल, डी० सी० रोड, अम्बाला छात्रनी	मामान्य जलसहकृत तिर- पाल— IS: 2089-1962
6.	सी एम/एल-2762 13-9-1971	16-9-1971	15-9-1972	जाली स्टील हैंडस्ट्रीज प्रा० लि०, 32-नगर रोड, पूना-14, इनका कार्यालय 23, बंद गार्डन रोड, पूना-1, में है	संचरना इस्पात (मानक किस्म)— IS: 226-1969
7.	सी एम/एल-2763 13-9-1971	16-9-1971	15-9-1972	,,	मंरचना इस्पात (मा तरण किस्म)— IS: 1977-1969
8.	सी एम/एल-2764 13-9-1971	16-9-1971	15-9-1972	लज इलेक्ट्रिकल (प्रा०) लि०, 133, वेलियाघाट मेन रोड, कलकत्ता-10 (प० बंगाल), इनका कार्यालय 30 चित्तरंजन एवं न्यू, कलकत्ता (प० बंगाल) में है	गलियों में विशुद्ध प्रकाश— IS: 2149-1970
9.	सी एम/एल-2765 13-9-1971	16-9-1971	15-9-1972	केमिकल्स एण्ड प्लास्टिक्स लि०, रमन नगर, मेट्टूर बांध-3, सेलम जिला (तमिल नाडु),— इनका कार्यालय 175/1 मार्टंट रोड, मद्रास-2 (तमिल नाडु) में है	बिजली संस्थापनों के लिए अनम्य अधिक्षिक तार नलियाँ— IS: 2509-1963
10	सी एम/एल-2766 14-9-1971	16-9-1971	15-9-1972	इन्डो-जापान स्टील लि०, 5/1, जी० टी० रोड, वेलूर, हावड़ा, इनका कार्यालय 11, गवर्नर्मेट प्लेस (पूर्व), कलकत्ता-1 में है	(बक्से बांधने के लिए) इस्पात की पत्तियाँ ठंडी बेलित— IS: 5872-1970
11.	सी एम/एल-2767 16-9-1971	16-9-1971	15-9-1972	पिल्सनर बुग्रीज हैंडिया लि०, श्रलैम यूनिट, श्रलैम मारगाओ- ब्रोगिम रोड, मारगाओ, गोवा, इनका कार्यालय 'चौगूले हाऊस' मारगुगाओ बन्दरगाह, गोवा, में है	बियर— IS: 3865-1966

(1)	(2)	(3)	(4)	(5)	(6)
12. सी एम/एल-2768 16-9-1971	16-9-1971	15-9-1972	बंगलौर पेस्टीसाइड्स लि०, 10 वां बी एच सी जल विसर्जनीय मील, टुम्कुर रोड, बंगलौर-22	तेज चूर्ण— (कार्यालय ७-बी, पैलेस रोड, बंगलौर-1 बी)	IS: 562-1962
13. सी एम/एल-2769 16-9-1971	16-9-1971	15-9-1972	"	डी ही टी जल विसर्जनीय तेज चूर्ण— IS: 565-1961	।
14. सी एम/एल-2770 16-9-1971	16-9-1971	15-9-1972	"	तांबा आकसीक्लोराइट जल विसर्जनीय तेज चूर्ण :— IS: 1507-1966	
15. सी एम/एल-2771 16-9-1971	16-9-1971	15-9-1972	इंडस्ट्रियल मिनरल्स एण्ड केमिकल्स कॉ. प्रा० लि०, कुला-मरोल रोड, नकला, अधेरी, बम्बई-58, इनका कार्यालय 125, नारायण धु- स्टीट, नागदेवी, बम्बई-3, में है	थायोमिटोन पायसनीय तेज द्रव— IS: 3905-1966	
16. सी एम/एल-2772 16-9-1971	16-9-1971	15-9-1972	"	आइक्लोरोस पायसनीय तेज द्रव— IS: 5277-1969	
17.] सी एम/एल-2773 16-9-1971	16-9-1971	15-9-1972	अंगस कम्पनी लिमिटेड, आकघर अगस, हुगली, इनका कार्यालय 3, कलाश्वरी, कलकत्ता 1 में है	(1) प्राटे के लिए दूहरी परत का पटसन कपड़ा— IS: 3966-1967 (2) दोहरी परत के प्राटे के बोरे— IS: 3984-1967	
18. सी एम/एल-2774 17-9-1971	1-10-1971	30-9-1972	एसोसियेटेड इंस्टर्लमेण्ट्स मैन्यू० (इंडिया) प्रा० लि०, 35, नजफगढ़ रोड, नई दिल्ली-15, इनका कार्यालय सनलाइट बिलिंग 26/27, आसफ अली रोड, नई दिल्ली में है	ला-शातलियर परीक्षण में उपयोग के लिए उपकरण— IS: 5514-1969	
19.] सी एम/एल-2775 17-9-1971	1-10-1971	30-9-1972	रोनाल्ड इंजीनियर्स, 7/बी, कमर डंगा रोड, कलकत्ता-46	ओर-क्लोजर (द्रव नियंत्रित)— IS: 3564-1966	
20. सी एम/एल-2776 27-9-1971	1-10-1971	30-9-1972	अहमदाबाद स्टील काफट एण्ड रोलिंग मिल्स, निकट ऊध्रव बस स्टेन्ड, अहमदाबाद-21, इनका कार्यालय बेगेला मिल्स के निकट गुप्ता चैम्बर्स में, मारंगपुर गेट के बाहर, सारंगपुर, अहमदाबाद-2 (गुजरात) में है	एफ-७ बी दरवाजों, खिड़कियों, रोशनदानों के लिए बेलित इस्पात के सेकान— IS: 1038-1968	

(1)	(2)	(3)	(4)	(5)	(6)
21. सी एम/एन-2777 27-9-1971	1-10-1971	30-9-1972	फोर्ट ब्लोस्टर हॉल्डस्ट्रीज लिं., ए-टिवल पटसन बोरे— (यूनिट-न्यू मिल) फोर्ट ब्लो- स्टर, (जला हावड़ा) प० बंगाल-इनका कार्यालय : 21, स्ट्रेन्ड रोड, कलकत्ता- ।		IS: 1943-1964

[सं० सी० एम डी०/13:11]

एस० के० सेन,
महानिदेशक ।

(INDIAN STANDARDS INSTITUTION)

New Delhi, the 17th July 1972

S. O. 2404.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulation, 1955 as amended subsequently, the Indian Standards Institution hereby notifies that Certification Marks, Licence No. CM/L-2652 particulars of which are given below, has been cancelled with effect from 16 May 1972 due to the closure of the business:—

THE SCHEDULE

Licence No. and Date **Name & Address of Licence** **Article/process covered by the licence** **Relevant Indian Standard cancelled**

CM/L-2652 Indian Oil Filtration Co., Gas-operated relays for pipe bore 50 mm IS : 3637—1966 Specification
30-3-1971 2, Church Lane, Calcutta-1. Brand :—“IOF” for gas operated relays.

[No. CMD/55 : 2652(ET)]

M. V. PATANKAR,
DEPUTY DIRECTOR GENERAL.

(भारतीय मानक संस्था)

नई दिल्ली, 17 जुलाई, 1972।

एम० ओ०। 2404.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी० एम/एल-2652, जिसके ब्यौरे नीचे अनुसूची में दिये गये हैं, लाइसेंसधारी द्वारा धंधे को बन्द करने के कारण 16 मई, 1972 से रद्द कर दिया गया है :

अन्तस्त्री

लाइसेंस संख्या और तिथि लाइसेंसधारी का नाम और पता रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया तत्सम्बन्धी भारतीय भानक

सी एम/एस-2652 इंडियन आयल फिल्मेण्ट कं०, 50 मिमी छेद वाले पाइप के लिए IS: 3637-1966 गैस
30-3-1971 2, चर्चेलेन, रीस चालित रिलेज— चालित रिलेज की विधिपटि
कलाकृति—। मार्क :—‘आद्य औ एक’

[ਸੋ ਸੀ ਏਮ ਡੀ/55:2652(ਇ ਟੀ)]

एमो'वी० पाटनकर,
उपमहानिदेशक ।

ELECTION COMMISSION OF INDIA

New Delhi, the 22nd June 1972

S.O. 2405.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the Order, pronounced on the 7th December, 1971 by the High Court of Mysore at Bangalore in Election Petition No. 1 of 1971.

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 7th day of December, 1971

BEFORE THE HON'BLE MR. JUSTICE
E. S. VENKATARAMIAH.

ELECTION PETITION No. 1/1971

BETWEEN

Rachappa Gangappa Wali, aged 46 years, residing at 54. Club Road, Hubli.—Petitioner.

Sri S. C. Javali.

Sri C. N. Kamath.

(By Sri S. B. Chandrashekhar)

Sri R. Venkateswara Rao and Smt. Bharathi R. Rao.

AND

1. Smt. Sarojini Bindurao Mahishi, Ramanagar, Dharwar, at present residing at Delhi as Deputy Minister for Civil Aviation & Tourism, Government of India.

2. The Chief Election Commissioner of India, New Delhi.

3. The Chief Electoral Officer, G.O.M., High Grounds, Bangalore-1.

4. The Returning Officer, Parliamentary Constituency, Dharwar North, Dharwar.

5. S. P. Sirur, c/o Krishna Bhavan, Hubli.—Respondents.

Sri R. M. Patil, Sri V. H. Ron, Sri L. G. Havanur, Sri P. G. C. Chengappa and Smt. Malini Mahishi for respondent No. 1.

By Sri S. G. Sundarawamy and Sri P. R. Srinivasan for respondent No. 2.

By Sri B. K. Ramachandra Rao, Additional Government Advocate, for respondents Nos. 3 and 4.

Election Petition filed by the petitioner under section 81 r/w section 100 of the Representation of the People Act, 1951, challenging the election of the Respondent No. 1 to the House of the People from Dharwar North Parliamentary constituency in the Mid term Elections held in the month of March, 1971, and seeking an order that (i) the election of the returned candidate respondent No. 1 is void and her election is set aside; (ii) the respondent No. 1 is guilty of corrupt practice within the meaning of Section 123 of R.P. Act, 1971; (iii) this petitioner is declared as having been duly elected; (iv) this petition is allowed with costs, and (v) for such other reliefs as may be deemed fit and proper under the circumstances of the case.

This Election Petition coming on for trial on 13th, 14th, 15th, 16th, 20th, 21st and 30th days of September, 1971, 4th, 5th, 6th, 7th, 11th, 12th, 13th, 14th, 21st, 25th, 26th and 28th days of October, 1971, and 2nd, 3rd, 4th, 8th, 9th, 10th, 15th, 16th, 17th, 18th, 22nd, 23rd, 29th and 30th days of November, 1971 in the presence of Sri S. C. Javali, Sri C. N. Kamath, Sri S. B. Chandrashekhar, Sri R. Venkateswara Rao and Smt. Bharathi R. Rao, advocates for the petitioner and Sri R. M. Patil, Sri V. H. Ron, Sri L. G. Havanur, Sri P. G. C. Changappa, and Srimathi Malini Mahishi, Advocates for respondent No. 1, Sri S. G. Sundarawamy and Sri P. R. Srinivasan, Advocates

for respondent No. 2, Sri B. K. Ramachandra Rao, Additional Government Advocate, advocate for respondents Nos. 3 and 4, and this Election Petition having stood over for consideration, the Court delivered the following judgment this 7th day of December, 1971.

JUDGMENT

The petitioner who was a candidate at the election held in the month of March, 1971, for Lok Sabha from Dharwar North Constituency in Mysore State, has filed the above petition under section 81 of the Representation of People Act, 1951, (hereinafter referred to as the Act) calling in question the election of respondent-1 to Lok Sabha from the said constituency at the said election. Respondent—5 was another candidate who contested the said election. Respondent 2 is the Chief Election Commissioner of India. Respondent—3 is the Chief Electoral Officer in the State of Mysore. Respondent—4 is the Returning Officer of Dharwar North Lok Sabha Constituency.

The grounds urged in the petition among others for declaring the election of respondent—1 to Lok Sabha as void were the following:

(1) That the election of respondent—1 was void for the reason that votes recorded on spurious and non genuine ballot papers had been counted in her favour. According to the petitioner at the time of counting of votes it was noticed that the voting marks placed on the election symbol 'Calf and Cow' which had been assigned to respondent—1 were found in a large number of ballot papers at the same point in all those ballot papers; that the colour of those marks appeared to be brighter than the marks on other ballot papers and somewhat shining. It was urged that the rubber stamping on the symbol 'calf and cow' appeared to have been done in many of the ballot papers more than once and that was a matter of surprise to the petitioner. It was also urged that in a large number of ballot papers no voting marks at all were found anywhere and they were declared as invalid ones. The petitioner and his agents did not know the reason for the existence of such features in many of the ballot papers. Thereafter, on further consideration, the petitioner felt that the rubber stamping on large number of ballot papers referred to above could not have been made by human hand but must have been made by a mechanical process. The petitioner also felt that there must have been a preplanned scheme and that some fraud had been committed in order to secure the success of respondent—1. According to the allegations in the petition, the petitioner had reason to believe that certain appreciable percentage of ballot papers which were printed at Bangalore had been removed to Delhi and they were chemically treated at Delhi or that they were altogether removed and replaced by another set of chemically treated papers. It was urged that the object of chemically treating the ballot papers was to see that any voting mark made at the polling station on the symbols other than the symbol 'calf and cow' by the voters should disappear by the time the ballot papers were taken up for counting and that on the symbol 'calf and cow' a certain mark made with a mechanical process appearing to be similar to the mark made by the voters in the polling station, which was invisible at the time when the ballot papers were issued to the voters in the polling station, should appear at the time they were taken up for counting. In other words the petitioner's case on this point was that on account of the chemical treatment of the ballot papers, votes which had been validly cast in favour of candidates other than respondent—1 could not be counted in their favour because they had disappeared by the time the ballot papers were taken up for counting and that the appearance of marks which were invisible at the time when the ballot papers were issued at the polling station, was responsible for counting those ballot

papers in favour of respondent—1. It was specifically urged that the treatment of ballot papers to achieve the above result could be made by using 15 per cent solution of stabilised sodium chlorite (NaClO_2) and by drying the paper at low temperature. When such a paper was stamped after a couple of days of storing with methyl violet based stamping ink, the mark would gradually wear out within a period of 24 to 48 hours. Thus at the end of that period, there would not be any mark at all on such paper. It was also urged that it was possible to make an invisible mark made by using 5 per cent solution of silver nitrate (AgNO_3) and 0.2 per cent indigosol pink LR extra on such paper visible after some time. It was stated that by using ultra violet light in a dark room, it was possible to detect bleached impressions of rubber stamps and there were other methods by which the fact whether a ballot paper was chemically treated or not could be detected. It was urged that these ballot papers were chemically treated as a part of a pre-planned scheme in order to see that candidates belonging to Congress (R) party to which respondent—1 belonged succeeded in the election and in doing so the Election Commission had also colluded or connived. It was, therefore, urged that the election of respondent—1 was liable to be set aside on that account.

(2) That the amendment of Rule 56 of the Conduct of Election Rules (hereinafter referred to as the Rules) as it stands today was done with the object of helping candidates belonging to Congress(R) party and that the said Rule was ultra vires.

(3) That the allotment of the symbol 'calf and cow' to Congress (R) party amounted to a corrupt practice. It was urged that the symbol 'calf and cow' was a religious symbol, for a large majority of the Indian Population, namely, Hindus considered 'cow' as a sacred animal.

(4) That respondent—1, in the course of the election propaganda canvassed on communal lines by a systematic appeal to the voters on the basis of caste and religion. A large number of workers who worked on behalf of respondent—1 also canvassed on communal lines. It was, therefore, urged that respondent—1 was guilty of corrupt practice under section 123(3) of the Act.

Respondent—1 in her written statement denied all the allegations which had been made in the election petition. She pleaded that the ballot papers had not been chemically treated as alleged by the petitioner; that Rule 56 of the Rules was valid and it had been duly framed; that the symbol 'calf and cow' was not a religious symbol; that neither she nor any of her agents or workers appealed to voters on communal lines, and that the Election Commission had not connived or colluded with Congress (R) party in order to secure the success of the members of that party at the last Lok Sabha elections. It was also pleaded by respondent—1 that the election petition had not been properly presented and that the petition was not maintainable since the copy of the petition served on the first respondent had not been duly attested.

Respondent—2 denied in the written statement that the ballot papers had been chemically treated as alleged by the petitioner. He pleaded that he was not in any way a party to the alleged fraud said to have been committed with the object of securing the success of respondent—1 and her party at the Lok Sabha elections. It was pleaded that he was not a necessary party to the petition. Similarly respondents 3 and 4 have also denied the allegations in the petition. They have stated that the ballot papers were got printed in accordance with the instructions received by them from the Election Commission of India and that the ballot papers were despatched to the Returning Officer immediately after they were so printed. The allegation that a number of ballot

papers were removed from the printing press to some other place for the purpose of treating them chemically, was also denied by them. It was also stated that there was neither time nor opportunity to remove the ballot papers to some other place for the purpose of chemical treatment.

Respondent—5 has been placed ex parte.

On the basis of the aforesaid pleadings, the following issues were framed on 13th August, 1971:

1. (a) Whether the petitioner proves that the rubber stamping on the symbol 'cow and calf' on large number of ballot papers used in the election had been made by a mechanical process on chemically treated ballot papers and not by voters?
- (b) Whether the petitioner proves that an appreciable percentage of ballot papers were removed from Bangalore to New Delhi before the election and that the ballot papers so removed to New Delhi were brought back after subjecting them to chemical treatment to be used in the election?
- (c) Whether the petitioner proves that a corrupt practice has been committed and that the result of the election is materially affected or is otherwise vitiated in the event of findings on Issues I (a) and (b) being in the affirmative?

(deleted on 9-11-71)

[II.(a) Whether the symbol 'cow and calf' is a religious symbol?

(b) Whether the allotment of 'cow and calf' to respondent—1 amounts to corrupt practice in law?

(c) Whether the result of the election is materially affected by such allotment, in the event of such allotment being held as a corrupt practice?

(d) Whether the validity of the election can be called in question in an election petition on the ground referred to in Issue II (b) above?]

(deleted on 9-11-71)

[III. (a) Whether the validity of amendment of Rule 56 of the Conduct of Election Rules can be called in question in an election petition?

(b) If the validity of amendment of Rule 56 can be called in question in an election petition, whether the amended Rule 56 is ultra vires?

(c) If Rule 56 is ultra vires, whether the result of the election is materially affected?]

(deleted on 30-11-71)

[IV. (a) Whether respondent—1 appealed to voters in the course of her election campaign on the basis of community, caste and religion?

(b) Whether the petitioner proves any act referred to in Issue IV (a) on the part of respondent 1 or any of her agent or agents or by any other person or persons working for her or in furtherance of her prospects at the election?

V. Whether any of the alleged corrupt practices was committed with the connivance or consent or with the knowledge of respondent—1?

VI. (a) Whether the names of any voters were removed from the electoral rolls in violation of the Rules?

(b) Even if it is so, whether such removal can form a ground of attack in an election petition?

(c) Whether the result of the election was materially affected on account of such removal?]

(deleted on 9-11-71)

[VII. Whether respondent—2 is a necessary party to the election petition?

VIII. Whether the election petition is not properly presented before the Court?

IX. Whether the petition is not maintainable on account of non-attestation of the copy of the election petition furnished to the respondents?

X. What order is to be passed on the election petition?]

(deleted on 30-11-71)

On 9th November, 1971 the counsel for the petitioner submitted that he would not press the ground covered by Issues II (a) to (d), IV(a) and (b), V and VI (a) to (c) and on 30th November, 1971 he submitted that he would not press Issues Numbers III (a), (b) and (c). Sri R. M. Patil, the learned counsel for respondent—1 submitted on 30th November, 1971 that he would not press the grounds covered by Issues VIII and IX. The resulting position is that only issue I (a), (b) and (c), VI and X survive for decision in this case.

Issues I (a), (b) and (c):

The above issues relate to the allegation of the petitioner that a substantial number of ballot papers were chemically treated with the object of securing the success of respondent—1. Even though the petition is silent regarding the name of the chemical used and the method of treatment of ballot papers with the chemical, there is an averment that certain experiments said to have been conducted had shown that when a paper was treated with sodium chlorite solution it acquired the characteristic of causing disappearance of mark made with ink which was used at the polling station for ink pads at a subsequent stage and making a mark placed with the help of 5 per cent solution of silver nitrate (Ag NO_3) which was invisible when the mark was made visible at a later stage. It is urged that as a result of such chemical treatment and the printing of invisible marks on the symbol 'calf and cow' on about 30 to 35 per cent of the ballot papers, the mark made by voters at the polling station with the help of Kores ink or any other ink, disappeared and the invisible marks placed on the symbol 'calf and cow' which was the symbol of respondent—1 became visible by the time the ballot papers were taken up for counting. It is pleaded that all those papers which had the mechanically printed marks on the symbol 'calf and cow' were counted as valid votes in favour of respondent—1, and, therefore, respondent—1 got about 30 to 35 per cent of the total number of votes polled even though the voters had not given their votes in her favour.

It may be mentioned here that the date on which the ballot papers were chemically treated has not been furnished in the petition. Sri R. Venkateshwara Rao, the learned counsel for the petitioner, however submitted that as can be gathered from the allegations made in the petition, the case of the petitioner was that the ballot papers were chemically treated sometime after they were printed at the Government Central Press, Bangalore, and before they were delivered to the authorised representative of the Returning Officer to be carried to the constituency in question. If that is so, it may be taken that the case of the petitioner is that the ballot papers must have been chemically treated sometime between 12th February, 1971 and 19th February, 1971. The necessary inference which follows from the above allegations is that the ballot papers were treated with a chemical of a specified concentration or quality so that the invisible marks alleged to have been made on the symbol 'calf and cow' which were not visible by the polling date should become visible on March 10, 1971, which was the date of counting and the marks made by the voters on the polling day disappeared by March 10, 1971.

The evidence on this point consists of (i) the oral evidence of some persons who were present at the time of counting; (ii) oral evidence of M. M. Kulkarni (P.W. 2 in E. P. 2/71) and Dr. R. O. P. Dharmarao (P.W. 6 in E. P. 2/71) who were examined as experts and whose evidence is treated as common evidence by consent of parties in E. P. 1 to 4 and 6 of 1971 (iii) the oral evidence of P. I. Jacob (RW. 2 in E.P. 3/71), K. G. Gowda, RW. 1 in E. P. 2/71, M. S. Hirannaiah, R. W. 2 in E. P. 2/71; M. A. Arham, RW. 3 in E. P. 2/71, Allabaksh Imam Hasan, R. W. 4 in E.P. 2/71; M. L. Ramanna, RW. 5 in E. P. 2/71 (the evidence of all these witnesses is treated by consent of parties as common evidence in E. Ps. 1 to 4 and 6 of 1971) and S. S. Patil, RW. 1 in this case, and the documents marked through these witnesses and (iv) the result of inspection and scrutiny of certain unused and used ballot papers pertaining to the election in question.

P.W. 1 N. J. Desai is an advocate by profession. He acted as a counting agent on behalf of the petitioner. His evidence is that at the time of counting of votes he noticed some peculiar features about the voting marks on majority of ballot papers. He states that the voting marks in those ballot papers appeared to be printed marks and all those marks were at the same place on the symbol 'calf and cow' in all such ballot papers. These features, according to this witness, aroused his suspicion and the said peculiar features were noticed by him in a large majority of ballot papers. He has admitted that he did not raise any objection before the Counting Officer or the Returning Officer regarding the genuineness of the said ballot papers and also for counting them as valid votes in favour of respondent—1. The witness knew the grounds on which the ballot papers could be rejected in law. He has stated that he discussed about the said peculiarities with other counting agents of the petitioner. P.W. 2 is Benkappa of Gadagbetagcri. He is a trader by profession. He too acted as a counting agent of the petitioner at the last election. His evidence is almost similar to the evidence of P.W. 1. He has stated that he found in a large number of ballot papers the voting marks on the symbol 'calf and cow' which had been assigned to respondent—1 were at the same point in majority of ballot papers and that the colour of those marks was brighter than the marks on other ballot papers and that those ballot papers about which he got suspicion were shining and whiter than the rest of the ballot papers. He too did not raise any objection before the Returning Officer although he has stated that the matter was discussed amongst the petitioner and the other counting agents on March 10, 1971. P.W. 3 is S. V. Shettar, who was also one of the counting agents of the petitioner, but he had been asked by the petitioner to sit near the Returning Officer's table where no counting was going on. He was at that table to keep watch over the orders passed on rejected ballot papers by the Returning Officer on disputed ballot papers and to note down the number of votes secured by the candidates as the counting was in progress. He has stated that he used to go round whenever he had no work at the Returning Officer's table to verify the trend of voting and while doing so he noticed that in the trays in which the ballot papers of respondent—1 were being placed a large majority of ballot papers having certain characteristics, namely, that the voting marks on those ballot papers were on the symbol 'calf and cow' at a particular place and those marks appeared to be printed marks and according to this witness those marks were shining. He also stated that the matter was discussed amongst the petitioner and the other counting agents. He has admitted that this question was not raised by him before the Returning Officer. According to this witness, it did not occur to him that he should raise objection to those ballot papers in which he found those peculiar features because he thought that he could not raise objections on that ground nor did he ask the petitioner to raise any objection. The witness does not know whether the petitioner raised any objection to those ballot papers.

The next witness examined on behalf of the petitioner is the petitioner himself. The petitioner is examined as P.W. 4 in the case. According to his evidence, he was present at the counting hall on both days on which the counting took place, namely 10th and 11th of March, 1971 and at the time of counting he observed some distinct features in a large majority of ballot papers in which votes had been cast in favour of respondent—1. The said ballot papers appeared to be whiter than the rest of the ballot papers in colour and appeared to have been subjected to extra bleaching. In those ballot papers the voting marks had been placed on the symbol 'calf and cow' at the same place and those ballot papers were slightly smoother than the other papers and he did not raise objection before the Returning Officer in regard to those papers because he wanted further confirmation about his suspicion. On seeing those papers the petitioner felt that the same must have been treated chemically. He has stated that he discussed the said matter with some of his friends and later came to know that it was possible by chemical treatment to produce such peculiar features. The petitioner after examining about 7,000 unused ballot papers and about 1,560 used ballot papers pertaining to the election in question stated that in about 40 percent of those ballot papers the voting marks were on the symbol 'calf and cow' at the identical place. When he was asked to substantiate the above statement, he took out some ballot papers which had been used at the election and classified them into five categories A to E and later on stated that it was not possible for him to state by looking at the ballot papers whether any of them was whiter than the other ballot papers and/or smoother than any other ballot papers. He admitted that by visual examination he could not pick out any ballot paper which had been chemically treated from the 8,500 ballot papers (both used and unused). Before making the above statement, the witness had scrutinised the ballot papers for over a period of two and half hours. He admitted in cross-examination that the ballot papers which he had inspected were genuine ones and he could not pick out even one ballot paper from the ballot papers he had inspected containing a voting mark not made with the help of the instrument provided at the polling station but by means of some other mechanical means. He admitted that the position of the points of the arrow marks found in the voting marks varied from one ballot paper to the other. On further scrutiny he stated that voting marks in the ballot papers in each of the five categories into which he had classified them, did not appear to be at the identical place in all of them. He had to admit on inspection of the ballot papers that the voting marks were at different places in the column in which the symbol 'calf and cow' appeared.

The petitioner further admitted in the course of his evidence that he did not make any other enquiry or investigation about the truth of the allegation that the ballot papers had been chemically treated. He could not say when the ballot papers were taken from Bangalore to New Delhi as alleged in para 13 of the petition and where, when and by whom the ballot papers were chemically treated and what chemical was used for the treatment. He could also give no information about the person who conceived the preplanned scheme to play fraud at the election as alleged by him. Apart from whatever he had stated already in examination-in-Chief he could not give further particulars of the alleged fraud. He could not also give the details of the mechanical stamping of ballot papers. He told the court that except the ballot papers which had been produced before the Court for inspection, he had no other evidence to prove the allegations made in paragraphs 11 to 13 of the petition. He admitted that he made no other enquiry regarding the truth or otherwise of the allegations that the ballot papers had been chemically treated.

The uniform version of the above witnesses P.W.s. 1 to 4 is that on 10th March 1971 on which date

counting of votes commenced within about two hours they all noticed that a large number of spurious ballot papers or ballot papers containing marks made by an instrument other than the one provided at polling stations were being counted as valid ballot papers in favour of Respondent-1. Later on all of them discussed about it in the course of the day, but still did not raise any objection before the Returning Officer or the Counting Officers in regard to the same. It may be remembered that the counting took place on the following day also. They all admit that they were aware of the rule which required the Returning Officer to reject the ballot papers which were spurious or which contained marks made by instruments other than the one provided at the polling station. The conduct of these witnesses in not raising objections in regard to the peculiarities they observed, does not appear to be in conformity with the ordinary conduct of persons who are faced with such a situation. The reason given by the petitioner that he wanted to verify the matter before raising an objection appears to be an afterthought. The further evidence of the petitioner in the above case is that he did not make any attempt to verify whether the suspicion he had about the ballot papers was true or not. No enquiry has been made by the petitioner about the truth or otherwise of the matter. The petitioner has stated that he read some articles published in some periodicals after the Lok Sabha elections dealing with the possibility of chemical treatment.

The petitioner also relied upon the evidence of M. M. Kulkarni, P.W.2 in E.P. 2/1971 whose evidence is marked as Exhibit P-1 in this case and Dr O. P. Dharmaraj, P.W.6 in E.P.2/1971 whose evidence has also been marked as Exhibit P-2 in this case as expert witnesses. Their evidence as already stated is treated as common evidence in all the petitions E.P.1 to 4 and 6 of 1971. They were examined in support of the above allegation regarding chemical treatment of ballot papers. M. M. Kulkarni is a person who holds a degree in Engineering. Admittedly he does not possess any high qualification in Chemistry. The extent of his knowledge of Chemistry could only be what he might have studied as an allied subject in the school and in the course of his engineering study. He however claims that he had occasion to study the science of invisible inks while he was serving in the British Territorial Army and that he had conducted experiments after the last Lok Sabha elections on invisible inks. Be that as it may, the question for consideration is what value should be attached to his evidence.

M. M. Kulkarni was the election agent of Naval Tata who contested from one of the Bombay Lok Sabha Constituencies at the last Lok Sabha elections. Naval Tata was defeated in the election. Kulkarni who was disappointed at the result of that election developed suspicion about the ballot papers and started conducting experiments to find out whether it was possible to treat the ballot papers chemically to achieve the desired result. He appears to have given demonstration before the members of the All India Congress (O) who did not fare well at the last Lok Sabha elections. A reading of the deposition of Kulkarni left me with the impression that he was not a disinterested witness. That however is not the real factor which has led me to feel that his evidence is of no use to the petitioner. There are however other more weighty reasons to come to that conclusion.

In the course of his evidence he stated that the methods of detection of the fact whether a particular paper was chemically treated or not were many. One of the methods according to him was that if ultra violet rays were made to fall on a chemically treated paper, when it was treated with sodium

chlorite, the treated paper would appear glowing white in colour with fluorescence and if an untreated paper was seen under ultra violet rays, it would have dull blue colour. He further stated that when he conducted experiments on paper with the help of diazo compound he found that the treated paper appeared to be violet in colour whereas the untreated appeared white. According to him there were some other methods of detection with the help of infrared rays, X-rays, etc. He also stated that if a treated paper and an untreated paper were immersed in a solvent which would dissolve the particular chemical, the composition of the solvent after such immersion would be different. He stated that a mark made with the help of Kores ink (methyl violet which is being used in ink pads) would disappear if the paper had been treated before such marking with sodium chlorite or sodium hypochlorite on account of decoloration. The time taken for the mark to disappear, according to the witness, depended on the concentration of the chemical used and the quality of paper which was treated. To a question put by the court, the witness answered that once a mark made by an invisible ink became visible on a treated paper, it would continue to be visible for an indefinite period unless the paper was again subject to another chemical treatment. He stated that such a mark would be visible at least for a period of one year. He stated that certain marks which would be invisible to the naked eye would be visible in some cases when they were looked at under ultra violet rays. According to the witness as could differentiate treated papers from untreated papers either by visual inspection or by conducting experiment or with the help of an instrument with which ultra violet rays could be made to fall on paper even without touching the paper. The above evidence was given on September 20, 1971 and the further examination of this witness was postponed to October 4, 1971. On October 5, 1971, I made an order that the Returning Officer, should produce before the court the unused ballot papers for purposes of inspection and scrutiny in this case. The unused ballot papers relating to the constituency with which we are concerned in this case and five other Lok Sabha Constituencies in Mysore State were scrutinised by the witness. Before those ballot papers were scrutinised, the witness was asked by the court whether he was in a position to state whether the ballot papers were chemically treated or not if ballot papers printed for the purpose of election in the month of March 1971 were taken out from the box and shown to him. His answer to that question was that it was possible for him to find out either with the ultra violet rays or by some other method and that he was ready on that day with the necessary equipment to examine the ballot papers with the ultra violet rays. On October 7, 1971 after carefully examining about 6,035 ballot papers pertaining to Mysore Lok Sabha Constituency (the election from that Constituency is questioned in E.P. 6 of 1971) the witness stated that by passing ultra violet rays on a paper it was not possible for him to say whether the paper had been treated with sodium chlorite or not. He further stated to find out with the ultra violet rays whether a piece of paper was treated with any chemical or not, it would be necessary to have the untreated paper of the same kind and quality. He stated that even when both treated and untreated papers are viewed under ultra violet rays, he could only say whether any paper had been treated or not, but could not say whether it was treated with sodium chlorite or not. He further stated that by passing ultra violet rays he could say that the paper had been treated with some chemical and could not say whether the chemical used is a bleaching agent or not. Later on he stated that by passing ultra violet rays on a paper which was treated, he could not say even though he was given the sample of the paper, whether the paper had been treated with a particular

chemical. This answer of the witness is at variance with his statement in his evidence which he gave on September 20, 1971, namely, "method No. 1 when ultra violet rays are made to fall on a chemically treated paper, when it is treated with sodium chlorite of the type on which Exhibits P-1 and P-2 are printed, the treated paper will appear glowing white in colour with fluorescence. Similarly if ultra violet rays are made to fall on the untreated paper it will have dull blue colour." The witness gave a different version after examining the unused ballot papers because he was not able to say that any of those papers was treated with sodium chlorite. As already stated this witness was a person who was interested in making out a case that in the last Lok Sabha elections held in India the ballot papers that were used had been chemically treated in order to see that the members of Congress (R) party returned to Lok Sabha in large numbers. The witness further stated at the end of his deposition on October 7, 1971 "that the colour of the paper varies under ultra violet rays from one piece of paper to another piece of paper even when it is taken out from the same stock if there is variation in the deposit on the paper of the chemical used for bleaching purposes in the paper factory." In his deposition, on 12th October, 1971 the witness stated that he had seen in all about 35,000 unused ballot papers relating to Election petitions 1 to 6 of 1971 and he could not say without resorting to some other chemical test whether any of them was treated with sodium chlorite or any other particular chemical. He had seen hundreds of those ballot papers under ultra violet rays and he was not in a position to say whether any of them had been treated with sodium chlorite or not. He further stated that it was not possible to say whether a paper is treated with sodium chlorite or not by passing ultra violet rays on it. He further admitted that he did not find any voting mark anywhere on the unused ballot papers under ultra violet rays. The witness also admitted that he had not conducted any experiment so far by which he could regulate the appearance of any invisible mark 18 hours after the marks were made and he could not do any experiment before the court to obtain that result, and he required at least three months time to conduct such an experiment.

The next witness who has been examined as an expert in this case is P.W. 6 in E.P. 2 of 1971, Dr. O. P. Dharmaraj. He is a Professor of Chemistry in a college affiliated to the University of Delhi. He has stated that he was a former member of Rashtriya Swayam Sevak Sangha and that on the Governing council of his college there are some members belonging to Bharatiya Jan Sangh, some of whose members have filed election petitions in the High Court of Delhi containing similar allegations. I shall however deal with his evidence without reference to the above statement.

This witness was summoned on an application made by the petitioner after the case of the petitioner had been closed and after some of the used ballot papers were inspected and scrutinised by the Court. In his deposition he stated that he could not say by merely looking at the ballot papers whether any of them was subjected to chemical treatment. He however stated on examining the ballot papers under ultra violet rays, that the ballot papers under ultra violet rays appeared to differ in opacity and exhibited different fluorescence or colours. He further admitted that when the paper was manufactured if there was difference in the chemical deposit on the surface of the paper, different portions of the paper would exhibit different colours even when they were taken out from the same roll due to the use of different quantities of sizing agent, binding agent, etc. He stated that in the ballot papers in the five constituencies concerned in E.P. 1 to 4 and 6 of 1971 which he inspected he could not take out any ballot paper by visual examination in which the mark which was originally visible had become invisible because he found

in all of them marks put on symbols other than 'calf and cow' were still there. He stated that nobody by mere visual examination of a paper could say that it was chemically treated. Even by looking at the ballot papers under ultra violet rays, he was not in a position to say whether the ballot papers contained mechanically printed marks or the marks were shining. He could only say whether any particular paper was whiter than the other. This witness admitted that he was present at the time when M. M. Kulkarni gave demonstration at Constitution Club, New Delhi, about his experiment. He was present at that place for about 20 minutes. He had discussed the matter with M. M. Kulkarni before he came to court to give evidence and he had also read the deposition of M. M. Kulkarni. The witness admitted that if a printed paper was given to him and he was asked to treat the paper chemically with the object of making an invisible mark visible later on and visible mark disappear at a later stage, he could not off and say how he should experiment. After examining the ballot papers, he stated that none of the ballot papers which he had seen in the Court had been subjected to chemical treatment by applying sodium chlorite in liquid form. The witness next stated that a paper treated with sodium chlorite when viewed under ultra violet lamp would emit yellow fluorescence. This statement is inconsistent with the statement of M. M. Kulkarni who on the first day of his examination stated that a paper treated with sodium chlorite would emit glowing white colour under ultra violet rays. This witness however admitted that sodium chlorite was sometimes used by paper manufacturers as bleaching agent. His further evidence was that even when a mark which was visible at the commencement became invisible at a later stage, there would be some stain on the paper and it depended upon the nature of chemical used and the nature of the ink used and he did not observe any such stain by visual examination and even under ultra violet rays in any of the ballot papers examined by him. He however made it clear in his deposition that he could not say by visual examination whether any of the ballot papers which he had examined in court had been chemically treated or not. This witness made use of a ultra violet lamp in court while giving evidence. Continuing he said because he found different alignment of the mark between one ballot paper and another ballot paper, he would say that the marks were not made mechanically.

The above witness was appeared by the counsel for the petitioner through Balraj Mudhol who was a colleague of this witness at Delhi University and who had also filed an election petition with similar allegations before the High Court of Delhi. This witness proceeded to state that a mark made with the help of Kores ink on a chemically treated paper and which disappeared at a later stage could not be detected by looking at the paper under ultra violet rays. This statement is slightly at variance with the statement of M. M. Kulkarni, namely "certain invisible marks to the naked eye become visible in some cases when looked at them under ultra violet rays". This witness was of the opinion that none of the ballot papers which he inspected in court under ultra violet rays had any mark which was invisible to naked eye but which was visible when it was made. Lastly he stated that to his knowledge it was not possible with the equipment available in India to treat about ten lakhs of ballot papers with sodium chlorite in a period of ten days or less. The above question was asked in the context of the election petition which were being tried in this court. He also stated that by the experiments he conducted, he had not been able to regulate the time of appearance of invisible mark, but he had been able to regulate the time of disappearance of a visible mark.

Apparently the information which this witness possesses regarding the possibility of treating a paper chemically with the object of making a visible mark

disappear and an invisible mark appear, appears to be of a recent origin. The witness has admitted in the course of his deposition that he attended the demonstration given by M. M. Kulkarni at the Constitution Club, Delhi, out of curiosity and thereafter he conducted experiments to find out whether a mark placed on a paper would disappear after some time and whether it can be made to appear at a later stage even though it was invisible at the commencement. He has stated that the demonstration which M. M. Kulkarni gave was a surprise to him. If that is the position, then it is very difficult to place much reliance on the evidence of this witness because by his own statement it is clear that prior to his meeting M. M. Kulkarni in the month of March, 1971, he had no idea of this branch of chemistry. I find it difficult to accept the evidence of this witness without reservations.

Even granting that there was a possibility of treating ballot papers chemically as pleaded by the petitioner, the question still remains whether it has been done in this case. The evidence of an expert witness under Section 45 of the Evidence Act is not conclusive and cannot be used as substantive evidence. The court must look for corroboration from the other evidence adduced in the proceedings to assure itself about the correctness or otherwise of the opinion of the expert. The court will have to take into account the various factors that surround the transaction which is in dispute and should judge the case on the basis of both external and internal evidence available in the case. The supreme Court while dealing with evidence of a hand-writing expert in BANU RAM—Vs—PRASANNI (A.I.R. 1950 Supreme Court, 93) as follows:

"Section 67 of the Indian Evidence Act (1 of 1872) provides *inter alia* that if a document is alleged to be signed by any person the signature must be proved to be in his hand-writing. Sections 45 and 47 of the said Act prescribe the method in which such signature can be proved. Under section 45, the opinion of the hand-writing experts is relevant while under Section 47 the opinion of any person acquainted with the hand-writing of the person who is alleged to have signed the document is admissible. The explanation to the section explains when a person can be said to be acquainted with the hand-writing of another person. Thus, there can be no doubt as to the manner in which the alleged signature of the appellant could and should have been proved; but even assuming that the signature of the appellant can be legally held to be proved on circumstantial evidence the principle which governs the appreciation of such circumstantial evidence in cases of this kind cannot be ignored or is only if the Court is satisfied that the circumstantial evidence irresistibly leads to the inference that the appellant must have signed the form that the court can legitimately reach such a conclusion. In our opinion, it is impossible to accede to Mr. Daobia's argument that the facts held proved in the High Court inevitably lead to its final conclusion that the appellant had in fact signed the form. It is clear that in reaching this conclusion the High Court did not properly appreciate the fact that there was no legal evidence on the point and that the other facts found by it cannot even reasonably support the case for respondent—1."

Hence, unless there is other reliable evidence in the case which leads to the conclusion that the ballot papers must have been tampered with as suggested by the petitioner, it would not be safe to act merely on the evidence of the experts and come to a conclusion one way or the other on the question in issue. We should also bear in mind that the experts are not always disinterested.

The most important material available on the above question is the result of inspection and scrutiny of ballot papers themselves. On October 5, 1971, I

made an order that the Returning Officer should produce before the Court the sealed boxes containing unused ballot papers and accordingly they were produced. The counsel for the petitioner was asked to select at random a few packets containing unused ballot papers of different polling stations in the constituency for purpose of scrutiny and inspection. He accordingly selected 7,039 ballot papers pertaining to this constituency and after inspection of ballot papers it was noticed that in none of them there was any mark resembling a voting mark on the symbol 'Calf and Cow'. M. M. Kulkarni one of the experts examined in the case who examined the ballot papers under ultra violet rays also was not able to say whether any of them had been chemically treated.

Now let me explain the usefulness of the examination of the unused ballot papers in determining the truth or otherwise of the allegations made in this petition. It is admitted that the ballot papers were printed with serial No. 1 upto the serial number of the last voter in the Lok Sabha Constituency. On an average there were about 5,00,000 voters in each constituency and the ballot papers which are printed would therefore bear serial No. 1 to 5,00,000 or little more or less depending upon the number of voters in each constituency. It is stated that to each polling station in constituency approximately about 1,000 voters would be assigned. Thus, ballot papers bearing serial No. 1 to 1,000 would have been assigned to the first polling station; ballot papers bearing serial No. 1,001 to 2,000 would have been assigned to the second polling station; ballot papers bearing serial Nos. 2,001 to 3,000 would have been assigned to polling stations No. 3 and so on. It is also not possible to imagine how many voters would exercise their right to vote at each polling station. Hence, if there was a preplanned scheme to see that about 35 percent of all the ballot papers were chemically treated in such a way that invisible mark on the symbol 'Calf and Cow' should become visible at a later stage, then amongst the ballot papers which are not used, there must have been some papers in which the invisible marked had become visible. The only way of avoiding this contingency was by seeing only the first few ballot papers assigned to each polling station were chemically treated so that all such papers would be used and there would be no trace of such papers among the unused ballot papers. In fact that was the submission made on behalf of the petitioner. It was argued that the chemically treated ballot papers were among the first three hundred to four hundred papers in each polling station. Then if about 35 per cent of the ballot papers had been so treated as alleged by the petitioner then amongst the used ballot papers the percentage of treated ballot papers should be nearly 60 to 70 per cent because the average voting in any polling station would be about 60 per cent of the total voters. That however was not the case of the petitioner. Hence, I feel that the absence of even a single ballot paper among the unused ballot papers containing the voting mark said to have been mechanically made on the symbol 'calf and cow' is a very strong circumstance against the contention of the petitioner. It is very difficult to accept that it was possible for anybody to see that not even a single ballot paper which was so chemically treated was found in the bundle of unused ballot papers for no one know how many voters in a given area would go to a polling station on the date of the poll.

I shall now deal with the result of examination of used ballot papers during the course of the election petition. When the trial of this petition was in progress, the Supreme Court pronounced its judgment in Civil Appeal No. 1343/71 (*Shashi Bhushan vs. Prof. Balraj Madhok and others*) and Civil Appeal No. 1473/71 (*Amer Nath Chawla vs. Kanwar Lal Gupta and others*) which had been filed by some successful candidates who were respondents in some election petitions pending on the file of the High Court of Delhi in which similar allegations had been made. Following the said decision, I ordered that the Returning Officer should

produce all the used ballot papers including the rejected ballot papers for purposes of inspection and scrutiny before the court and it was accordingly done. The counsel for the petitioner was permitted to select at random certain number of ballot from the boxes containing the used ballot papers. Accordingly the counsel for the petitioner selected 1,000 ballot papers in which votes had been cast in favour of respondent-1 and 550 ballot papers in which votes had been cast in favour of the petitioner and 10 rejected ballot papers. Thereafter the said ballot papers were scrutinised by the counsel for the parties and by the court. I recorded the result of visual examination of those ballot papers in a separate proceeding which was drawn up at that time. On visual examination of those ballot papers I felt that the allegation that a large majority of ballot papers had been chemically treated with the desired object was not true. I found in the ballot papers in which votes had been cast in favour of respondent-1 the voting marks were sometimes to be left of the symbol 'calf and cow' sometimes to the right of the symbol and sometimes on the symbol itself. Even when the voting marks were sometimes to be left of the not found at the same position in all the ballot papers. The angle of the arrow mark in the voting mark varied from one ballot paper to the other. In none of the ballot papers in which votes had been cast in favour of the petitioner, the voting mark had disappeared or had become dull. An examination of the ballot papers in which votes had been cast in favour of respondent 1 as well as the petitioner showed that the brightness of the mark varied from paper to paper depending upon the quantity of ink present on the instrument provided at the polling station for placing the voting mark. The allegation that in a large majority of ballot papers in which votes had been cast in favour of Respondent-1, the voting marks were at the same point in all the ballot papers and were uniform in brightness and the marks were shining, was not substantiated by the result of visual examination of those papers. The ballot papers appeared to be natural in form and none of them appeared to have been chemically treated. In fact that is the opinion of Dr. O. P. Dharmaraj, one of the experts examined in this case. The statement of other witnesses of the petitioner that certain peculiar features were noticed in a large majority of ballot papers by them at the time of counting was also not substantiated. It is no doubt true that the colour of the paper between one ballot paper and another was slightly dissimilar. That was because the ballot papers were selected at random for purposes of inspection. I am satisfied on the examination of the ballot papers that no further enquiry in this regard is necessary. In the judgment of the Supreme Court in the cases cited above, it was observed that if the court came to the conclusion on an examination of certain number of ballot papers selected at random, that the matter should be further proved into the court might take evidence on the point at issue including the evidence of expert witnesses and thereafter it was open to the court to direct or not to direct a general inspection of the ballot papers. In view of what is stated above, I am of the opinion that no case has been made out to direct a general inspection of the ballot papers.

The other evidence which remains to be considered in this case is the evidence of the witnesses examined on behalf of the respondents. The Deputy Election Commission of India, P. I. Jacob has been examined on behalf of the Chief Election Commissioner in this case. He was examined as R.W. 2 in E.P. 3 of 1971 and by consent of parties his evidence is read as common evidence in E.P. 1 to 4 and 6 of 1971. A copy of his deposition is marked as Exhibit R.8 in this case. This witness was incharge of the last Lok Sabha elections. Under Section 19-A of the Representation of People Act, 1951, he was authorised to exercise the powers of the Election Commission subject to supervision and control of the Chief Election Commissioner. He has stated that

the paper used for printing of ballot papers in Mysore was procured from the Mysore paper Mills Limited, Bhadravati, pursuant to an order made by the Director General of Supplies and Disposals, India. The colour, size and substance of the paper to be used for printing ballot papers were prescribed by the Election Commission. The colour of the paper was prescribed 'cream wove white'; the size of the paper was prescribed as 43 cms. by 69 cms. and the substance of the paper was prescribed as 10·9 Kgs. per ream, by the Election Commission of India. The instructions regarding the printing of ballot papers were issued as per paragraphs 22 and 23 in Chapter II of the Hand Book for Returning Officers (Pages 34 and 35). Exhibit R-5 in E.P. 3 of 1971 is the said book. This witness stated that instructions had been issued that ballot papers should be printed under maximum security conditions and should be despatched to the various constituencies in enclosed vans under police escort. He emphatically denied that any of the ballot papers used in any of the Lok Sabha Constituencies which were concerned in E.P. 1 to 4 of 1971 had been taken out of the press after they were printed and they were chemically treated before they were delivered to the Returning Officers or their authorised agents. He denied that there was any pre-planned scheme to which the Election Commission was a party under which it was intended that respondent—1 who belonged to Congress (R) party should succeed. He also denied that there was any fraud committed with the connivance of the Election Commission in that direction. The witness stated that it was no true to say that the ballot papers used in any constituency had been tempered with or chemically treated or they were replaced by another set of ballot papers which had been chemically treated. It was also denied by this witness that in many of the ballot papers in which votes had been cast in favour of respondent—1 the voting marks had been made with the help of an instrument or mechanical device other than the one provided at the polling station. According to this witness the object of prescribing that the counting of votes should take place on the same day in all the constituencies in India except in West Bengal was to see that the result of the election in any of the constituencies in which poll had taken place did not have any effect on another constituency where poll had not yet taken place. The date of poll in West Bengal was March, 10, 1971. Nothing has been brought out in cross-examination of this witness by the counsel for the petitioner to discredit his testimony. He was however questioned about the discovery of certain ballot papers at Chandigarh at a places where the ballot papers should not have been found. He stated that those ballot papers did not relate to the constituency with which we were concerned and that he had investigated into the same and found that certain number of ballot papers which should have been destroyed by the press had not been destroyed, but had been sold as waste paper to the contractors after March 15, 1971, by which time election in India had been over. Similarly he stated that his investigation into another allegation that certain ballot papers were being removed in two railway wagons bound for Madhya Pradesh also revealed that it did not affect the result of the election in any constituency.

The next witness examined on behalf of the Respondents is R.W.1 in E.P. 2 of 1971 who is again a common witness. His deposition is marked as Exhibit R3 in this case. He is the Assistant Director of Stationary, Government Press, Bangalore. He has stated that the ballot papers which were used at the last Lok Sabha elections in Mysore State were all printed at Government Central Press, Bangalore. The paper which was used for printing ballot papers was purchased by the Government Central Press from Mysore paper Mills Ltd. Bhadravathi. He produced

exhibit R-3 in E.P. 2 of 1971 which was the challan under which the paper was supplied by the Mysore Paper Mills Ltd., Bhadravathi. The paper was received on 1st December, 1970 and from out of that stock of paper, certain quantity was released for purpose of printing ballot papers from 10th February, 1971 and 17th February, 1971. Exhibits R-4 and R-10 in E.P. 2 of 1971 are the indents given by the Assistant Director of Printing for supply of paper. In cross-examination he has stated that the Press did not place order for paper specifically for the purpose of Lok Sabha elections held in March, 1971. In answer to a question regarding the type of paper that was issued for printing the ballot papers the witness stated that cream wove paper had been issued. When his attention was drawn to some discrepancy between Exhibits R-4a and R-6a on the one hand and Exhibits R-5a, 7a, R-8a, R-9a and R-10a, answered that by mistake instead of cream wove paper it might have been written as white paper in Exhibits R-5a, R-7a, R-8a, R-9a and R-10a. The witness stated that he had not noticed the discrepancy in the description of paper referred to above at the time when the paper was issued for printing. He stated that the entire quantity supplied under Exhibit R3 was supplied from one stock.

M. S. Hirannaiah, R.W.-2 in E.P. 2 of 1971 whose deposition is marked as Exhibit R4 in this case, is the Assistant Director, Government Central Press, Bangalore, and he was in charge of the printing of ballot papers. He stated that the programme of printing and despatch of ballot papers was settled by the Chief Electoral Officer in consultation with the Director of Printing as per Ex. R-11 in E.P. 2 of 1971. The said document is signed by the Under Secretary working under the Chief Electoral Officer. This witness stated that he received instructions regarding the printing of ballot papers from the authorised representatives of the Returning Officers. He printed the ballot papers in accordance with Form No. 7A (Ex. 12 to 16 in E.P. 2/71) sent by the Returning Officers. After the proof of the ballot papers in respect of each constituency was approved by the concerned authorised representative of the Returning Officer, the ballot papers were printed and after the ballot papers were printed they were numbered serially from No. 1 to last number of the ballot paper printed for that constituency. After the ballot papers were printed and were cut to size, they were being taken to another portion of the Government printing Press premises, which was known as 'Election Shed' where the ballot papers used to be kept in sealed boxes. There they were checked, counted and bundled into bundles of 500 each. Exhibit R-17 in E.P. 2 of 1971 is the programme of work of printing of ballot papers which was being maintained by this witness.

The said Exhibit R-17 contains the date on which the ballot papers were despatched and according to this witness till the ballot papers were despatched they used to be at the 'Election Shed'. He has further stated that the printing press where the ballot papers were being printed and the 'Election Shed' where the ballot papers were being kept were under the care and protection of the Watch and Ward staff of the Press and police officers whose services were secured for the said purpose at the time when the ballot papers were being printed at the Government Central Press. This witness has been cross-examined at length, but I do not find that anything is brought out is to discredit the testimony of this witness. Sri R. V. Rao, learned counsel for the petitioner, however argued that this witness had not explained the difference in the colour of some of the ballot papers and the use of bigger type of numbers in some cases to print serial numbers of the ballot papers than what were used in the case of other ballot papers. It was open to the petitioner on whom the burden of proof lay in this case to have put the question about them to this witness but he has not done so. It would be unfair

to draw any inference against the witness or the respondents without drawing the attention of the witness to these points raised on behalf of the petitioner. The position of the petitioner in an election petition is not that of an accused in a Criminal case and it is not open to a petitioner in an election petition to raise some point which is likely to lead to some doubt and to claim the benefit of it and on that basis to seek a declaration that the election is void. In fact the position of the petitioner in an election petition is equivalent to the position of the prosecution in a Criminal case. The petitioner cannot take advantage of a circumstance of the above kind.

The next witness examined on behalf of the respondent is M. A. Arham, R.W. 3 in E.P. 2 of 1971, who is again common witness. His evidence is marked as Exhibit R5 in this case. He was an Under Secretary to the Government of Mysore and was in charge of election. He was working under the directions of the Chief Electoral Officer at the last Lok Sabha elections. He has stated that he was visiting the Press nearly 4-5 times every day when the ballot papers were being printed and during the time when the ballot papers were in the premises of the Government Central Press, Bangalore. He was in charge of the supervision of the printing of ballot papers. He was assisted by Allabaksh Inam, Section Officer R.W. 4 in E.P. 2 of 1971 and M. A. Kalburgi, a Senior Assistant. His duty was to see that ballot papers were printed and despatched well in time through the authorised representatives of the Returning Officers after they were duly checked, scrutinised and bundled at the Government Central Press. R.W. 4 in E.P. 2 of 1971 is Allabaksh Inam whose evidence is marked as Exhibit R6 in this case. He was the Section Officer who was assisting M. A. Arham referred to above. His evidence corroborates the evidence of M. A. Arham.

M. L. Ramanna, R.W. 5 in E.P. 2/71 who is again a common witness and whose evidence is marked as Exhibit R7 in this case, is the police Officer who was security arrangements at the Government Central Press, Bangalore, at the time when the ballot papers were being printed for the last Lok Sabha elections. His evidence is that from 12th February, 1971 to 3rd March, 1971 had made necessary security arrangements. He had posted one Head Constable and 3 Constables to be in charge of the security of Government Central Press and they had to be in charge of security of the Press all the 24th hours during that period. No doubt the police Officers used to do their job by turns along with the members of the Watch and Ward staff of the Government Central Press. He has stated that he was visiting the premises of the Government Central Press occasionally to verify whether the persons who had been entrusted with the duty of looking after the premises of the Press were doing their job properly or not.

S. S. & Patil who has been examined as R.W.1 in this case was the authorised representative of the Returning Officer of Dharwar-North Lok Sabha Constituency in connection with the election held in the month of March 1971. He had been deputed to go to Government Central Press, Bangalore and attend to the supervision of the Printing of the ballot papers and to take delivery of the ballot papers after they were printed and made ready for delivery. His evidence is that he came to Bangalore on the 11th February, 1971 to attend to the work of printing of ballot papers at Government Central Press and along with him he had brought 4 officers to assist him. This witness approved the proof of the ballot papers and after it was so approved, the ballot papers were printed. After the ballot papers were printed, he had to verify each ballot paper with the help of his assistants and after verification all the ballot papers were put into deal wood boxes for purposes of being carried to Dharwar. The printing and counting of ballot papers went on at the Government Central press from 12th February, 1971 to 18th February, 1971 and the ballot

papers were delivered to him on 19th of February, 1971. He has sworn that during that period the ballot papers were not removed from the premises of Government Central Press to any other place. This witness carried the ballot papers with police escort to Dharwar. In the course of the cross-examination of this witness, it was elicited that he used to work between 7 A.M. to 9 P.M. and he had no control over the security arrangement at the Press. It was argued that after 9 P.M. what had happened to the ballot papers could not have been known to this witness. On reading the evidence of this witness and the other witnesses examined on behalf of the respondents as a whole, I am satisfied that adequate arrangements had been made regarding the security of the ballot papers at the Government Central Press and the ballot papers were never removed from the premises of the Government Central Press until they were actually delivered to the authorised representatives for the purpose of being carried to the constituencies.

Shri R. V. Rao, learned counsel for the petitioner, urged that the Chief Electoral Officer had not produced the sample of the paper used for the printing of ballot papers which had been retained at the Government Central Press, Bangalore, even though he was called upon to do so by the petitioner, and, therefore, an adverse inference should be drawn against him. In reply to the memo of the petitioner calling upon the Chief Electoral Officer to produce the said sample paper, the Additional Government Advocate had stated that the paper was with the Government Central Press and the petitioner could take steps to summon it. Neither the Director of Government Central Press nor the State of Mysore is a party to this petition and the Government Central Press is not under the control of the Chief Electoral Officer. It was open to the petitioner in these circumstances to have taken steps to summon the said paper from the Government Central Press which he has not done. No adverse inference can therefore be drawn against the Chief Electoral Officer on this ground.

It was next contended by the counsel for the petitioner that the chemical analysis of the ink that was used at the polling stations for the purpose of making the voting marks on the ballot papers had not been produced by the Election Commission. The petitioner cannot make a grievance of this because he had not asked the Election Commission to produce the same. One other ground urged by Sri. R. V. Rao was that the Stock Ledger of the Government Central Press, Bangalore, had not been produced by the Chief Electoral Officer. As already stated the Chief Electoral Officer could not be called upon to produce any document which was in the custody of the Government Central Press. Hence the petitioner cannot also make a grievance of it.

The allegation that many of the ballot papers had been removed from the premises of the Press to some other place after they were printed and before they were delivered to the agents of the Returning Officer for purposes of treating them chemically is baseless. I also hold that the allegations made by the petitioner against the Election Commission in the petition are untrue.

It is significant that the petitioner did not make any enquiry at the Government Central Press, Bangalore, to find out whether the ballot papers had at all been removed to some other place. It may be mentioned here that the Government Central Press, Bangalore was a department of the State Government and during the relevant time, the Government in the State of Mysore was being run by the members of the Indian National Congress (O) party. It is, therefore, very difficult to accept the case of the petitioner that in collusion with or with the connivance of the Election Commission somebody was able to treat these papers chemically.

The petitioner has also not placed before the court any positive evidence to show that the ballot papers had been taken out of the premises of the Government Central Press by somebody with the object of chemically treating them and replacing them by another set of chemically treated ballot papers.

At this stage, I may refer to the prayer made by the petitioner in an Interlocutory Application seeking the permission of the Court to recall O.P. Dharmaraj again and to allow the ballot papers used at the election to be subjected to a chemical examination. I am of the opinion that in the circumstances of this case, no case has been made out for any further investigation in this case. The said Interlocutory Application is, therefore, rejected.

Before recording my findings on Issues I(a), (b) and (c) I propose to refer to one other aspect of this case. Neither in the petition nor in the course of the evidence, the petitioner has suggested any motive which must have prompted the Chief Selection Commissioner to have become a party to the alleged act of chemical treatment of ballot papers. Having regard to the status which is assigned to the Election Commission and the security of tenure guaranteed to the Chief Election Commissioner in the Constitution of India, it is very difficult to believe that the Chief Election Commissioner was interested in one political party as against others. It appears that when the petitioner and several others who opposed the Congress (R) party, failed very badly at the election even in places where they were sure of their success and being unable to explain the cause of their failure, were in search of an alibi, the theory that the elections were rigged by resorting to chemical treatment of ballot papers which was the figment of the imagination of a deeply disappointed person with a fertile brain and which was given wide publicity just before the time for filing election petitions was over, was readily adopted by them as a ground to challenge the elections of some successful candidates. It is unfortunate that such grave allegations have been made in these proceedings without due verification. It is significant that the petitioner was not able to furnish any particulars about any of the persons involved in the alleged corrupt practice, but only relied upon the evidence of some witnesses who have given evidence regarding some peculiar features which they observed in some of the ballot papers at the time of counting. The result of visual examination of the ballot papers, both used and unused, and the other material which is available in the case totally belie the story that the ballot papers had been chemically treated and lead me to the conclusion that the allegation that certain peculiar features were observed by the witnesses for the petitioner at the time of counting must have been invented an after thought to suit the theory that the success of the Congress (R) party was on account of the chemical treatment of ballot papers. After giving my anxious consideration to all aspects of this case, I feel that the allegations made against the Election Commission and the officials connected with the election process are wholly unjustified. I fully exonerate the Chief Election Commissioner, the Chief Electoral Officer, the Returning Officer and all other officers who were entrusted with the duties connected with the election of all the charges and other veiled and sinister suggestions made against them.

I, therefore, hold on Issue No. I (a) that the petitioner has failed to prove that the rubber stamping on the symbol of 'calf and cow' on large number of ballot papers used in the election had been made by a mechanical process on chemically treated ballot papers, and not by voters, and on Issue I (b) that the petitioner has failed to prove that an appreciable percentage of ballot papers were removed from Bangalore to New Delhi before the election and that

the ballot papers so removed to New Delhi were brought back after subjecting them to chemical treatment to be used in the election. Issue No. I(c), therefore does not survive.

Issue No. VII

The next issue for consideration is Issue No. VII viz., whether the Election Commission is a necessary party to the Election petition. It was contended by Sri S. C. Sundara Swamy, learned counsel for respondent-2 that in view of Section 82 of the Representation of People Act, it was not open to the petitioner to implead any person other than the candidate as respondent to the petition. On going through Section 82, I feel that the said section only prescribes that all the contesting candidates should be made parties to an election petition. It does not say that no other person should be made party to the election petition. When allegations of corrupt practice are made in an election petition against some persons other than a candidate, there is nothing wrong in impleading them as parties even at the stage of the presentation of the petition. It may be mentioned that under Section 99 of the Representation of People Act if the Court trying an election petition wants to hold a person other than a candidate guilty of corrupt practice it has to issue a notice to him and then decide the said question. That only shows that persons other than the candidates could be made parties to an election petition. Even if it is to be held that the Election Commission was not a necessary party, I feel that the Election Commission, in the circumstances of this case, was a proper party. I, therefore, hold on Issue No. VII that respondent-2—Election Commission of India is a proper party though not a necessary party to the petition.

Issue No. X

In view of my findings on Issue No. I (a), (b) and (c), this petition fails and is dismissed.

In view of the baseless allegations made in the petition, I feel that in the circumstances of the case, the petitioner should be directed to pay by way of costs Rs. 650/- to respondent-1; Rs. 650/- to respondent-2 and Rs. 650/- to respondent 3 and 4, together.

Sd/- E. S. Venkataraman, Judge.
Dated, 7th December, 1971.

[No. 82/MY/1/72.]

By Order,
V. NAGASUBRAMANIAN, Secy.

New Delhi, the 23rd June 1972

S.O. 2406.—In pursuance of section 160 of the Representation of the People Act, 1951, the Election Commission hereby publishes the order, pronounced on the 10th November, 1971, by the High Court at Calcutta in Election Petition No. 5 of 1971.

Election Petition Case No. 5 of 1971

IN THE HIGH COURT AT CALCUTTA ELECTION PETITION JURISDICTION

Present:

The Honourable Mr. Justice Sankar Prasad Mitra
November 10, 1971

Rathindra Kumar Ghosh—Petitioner.

Versus

T. P. Bhattacharjee & ors.—Respondents.

The Court.—In this petition the election of the respondent No. 2 from the North East Calcutta Parliamentary Constituency has been challenged. The election was held on the 10th March, 1971. The election petitioner is one of the electors in the said constituency. There were three candidates in the election, namely, Hiren Mukherjee the respondent No. 2, Piyus Kanti Dasgupta the respondent No. 4 and Balai Chandra Paul, the respondent No. 3. The respondent No. 1 T. P. Bhattacharjee was the Returning Officer. From the final result sheet prepared under the signature of the Returning Officer it appears that the votes received by each of the candidates were as following:

Hiren Mukherjee (the respondent No. 2)—1,13,230 votes.

Piyus Kanti Das Gupta (the respondent No. 4)—1,10,939 votes.

Balai Chandra Paul (the respondent No. 3)—56,590 votes.

It appears further that 11,812 ballot papers were rejected and 32 votes cast on postal ballot papers were also rejected.

The election petitioner prays, *inter alia*, for a declaration that the respondent No. 4 has been duly elected, on a recount of the votes. There are no allegations of corrupt practices in the petition. The petitioner's only grievance is that the counting of votes was not properly done. Various allegations have been made in support of the petitioner's prayer for a recount. Before I come to these allegations, it would be necessary to discuss a few judgments,—particularly of the Supreme Court, which have discussed the nature of averments necessary to entitle an election petitioner to ask either for an inspection of the ballot papers or for a recount. Learned counsel for the respondent No. 2 herein has taken a point of demurrer. His contention is that on the averments made in the petition no order for a recount can be made at all. In several election petitions at present pending in this Court and also in previous years, orders for recounts were made, by consent of parties. But in this petition counsel for the respondent No. 2 was unwilling to make any concessions. He stated that the views expressed by Their Lordships of the Supreme Court from time to time, were so explicit and unequivocal that the election petitioner in this case was bound to fail in his attempt to secure an order for recount.

Let us, therefore, go straight to the Supreme Court's decisions on this subject on which counsel for the respondent No. 2 has strongly relied. In *Ram Sewak Yadav vs. Hussain Kamil Kidwai*, AIR 1964 S.C. 1249 the election petitioner made the following allegations:

"1. that there had been improper reception, rejection and refusal of votes at the time of counting, and in consequence thereof the election was materially affected;

2. that there were discrepancies between the total number of votes mentioned in Form 16 and Form 20;

3. that the tendered votes were wrongly rejected by the returning officer and on that account the election was materially affected;

4. that at the polling station No. 29 at Majgawan in Bhitauli Unit and Kursi Polling Station in Kursi Assembly Unit, the polling officers did not give ballot papers to the voters;

5. that counting of votes of Bhitauli Assembly Unit continued till 8-30 p.m. in insufficient light notwithstanding the protest lodged by the petitioner; and

6. that on a true count he (the election petitioner) would have received a majority of valid votes and that he was entitled to be declared duly elected."

At the trial before the Tribunal the parties did not lead any oral evidence. With regard to the pleas 3, 4 and 5 the burden of proof lay upon the petitioner; but he led no evidence to substantiate them. The tribunal was of the view that the election petitioner could have

discharged the burden of proof to establish that there were discrepancies between the original and the certified copies of Forms Nos. 16 and 20 but he did not call for the original forms and his second ground must also fail. Kidwai the election petitioner claimed that he would succeed in establishing his case on pleas Nos. 1 and 6 from the ballot papers and submitted that an order for inspection of the ballot papers he made and that he be permitted to show from the ballot papers that the returning officer had improperly received, refused or rejected the votes, and that on a true count he would get the largest number of valid votes. The Tribunal rejected the application for inspection. The High Court, however, was of opinion, *inter alia*, that the Tribunal rejected the application for inspection without adequate reasons. The matter then went to the Supreme Court. The Supreme Court's views relevant for our purposes in the present application, have been expressed in paragraphs 5, 6 and 7 of the judgment of Shah J. at pages 1251 and 1252. The relevant observations are as follows:

"5...The Tribunal rightly rejected this plea (the pleas of inspection), for by the mere production of the sealed boxes pursuant to its order the ballot papers did not become part of the record and they were not liable to be inspected unless the Tribunal was satisfied that such inspection was in the circumstances of the case necessary in the interests of justice.

6. An election petition must contain a concise statement of the material facts on which the petitioner relies in support of his case. If such material facts are set out the Tribunal has undoubtedly the power to direct discovery and inspection of documents with which a civil court is invested under the Code of Civil Procedure when trying a suit. But the power which the civil Court may exercise in the trial of suits is confined to the narrow limits of order 11 Code of Civil Procedure. Inspection of documents under Order 11 Code of Civil Procedure may be ordered under R. 15, of documents which are referred to in the pleadings or particulars as disclosed in the affidavit of documents of the other party, and under R. 18(2) of other documents in the possession or power of the other party. The returning officer is not a party to an election petition and an order for production of the ballot papers cannot be made under Order 11 Code of Civil Procedure. But the Election Tribunal is not on that account without authority in respect of the ballot papers. In a proper case where the interests of justice demands it, the Tribunal may call upon the Returning Officer to produce the ballot papers; and may permit inspection by the parties before it of the ballot papers that power is clearly implicit in sections 100(1) d(iii), 101, 102 and Rule 93 of the Conduct of Election Rules, 1961. This power to order inspection of the ballot papers which is apart from Order 11 Code of Civil Procedure may be exercised, subject to the statutory restrictions about the secrecy of the ballot paper prescribed by sections 94 and 128(1).

7. An order for inspection may not be granted as a matter of course; having regard to the insistence upon the secrecy of the ballot papers, the court would be justified in granting order for inspection provided two conditions are fulfilled:

(i) that the petition for setting aside an election contains an adequate statement of the material facts on which the petitioner relies in support of his case; and

(ii) the Tribunal is *prima facie* satisfied that in order to decide the dispute and to do complete justice between the parties inspection of the ballot papers is necessary. But an order for inspection of ballot papers cannot be granted to support vague pleas made in the petition not supported by material facts or fish out evidence to support such pleas. The case of the petitioner must be set out with precision supported by averments of material facts. To establish a case so pleaded an order for inspection may undoubtedly, if the interests of justice require, be granted. But a mere allegation that the petitioner suspects or believes that there has

been an improper reception, refusal or rejection of votes will not be sufficient to support an order for inspection."

The Supreme Court has held that the allegation of Kidwai the election petitioner that he was satisfied that on inspection and scrutiny of ballot papers he would be able to demonstrate that there had been wrong counting on account of improper reception, refusal or rejection of votes was wholly insufficient to justify a claim for inspection and has reversed the decision of the High Court.

Mr. Chatterjee, Learned Counsel for the respondent No. 4 has urged that in this case the election petitioner had asked for inspection of ballot papers prior to trial on evidence. And the Supreme Court has taken the view that inspection cannot be allowed for fishing out evidence. It is true that the petitioner had not adduced evidence in support of the plea that there was improper reception, refusal and rejection of votes. But on the pleadings that are necessary to support an order of inspection, the general principles have been laid down in this judgment. The petitioner must set out his case with precision supported by averments of material facts. Vague allegations of improper reception, refusal or rejection of votes would not entitle the petitioner to an inspection of the ballot papers having regard to the secrecy of the ballot provided for in the law. As to the power of a Court or Tribunal to direct a trial on evidence though the pleadings are inadequate, there are other judgments which we shall consider a little later.

The next case of the Supreme Court on which reliance was placed by counsel for the respondent No. 2 was the case of *Jagjit Singh vs. Giani Kartar Singh* reported in AIR 1966 S.C. at page 773. In this case one of the prayers in the election petition was for inspection of the ballot boxes and a recount of votes. The Tribunal allowed inspection of the ballot boxes and as result of recount declared the appellant to have been elected. The Tribunal found that the result of the election, so far as it concerned the returned candidate had been materially affected by the improper reception of votes in his favour which were void and by the improper rejection of valid votes polled in favour of the appellant. One of the principal questions before the Supreme Court was whether the Tribunal was justified in allowing inspection of the ballot boxes in this proceeding. In paragraph 31 at page 783 of the judgment the Supreme Court has answered this question. The observations are as follows:

"The true legal position in this matter is no longer in doubt. Section 92 of the Act which defines the powers of the Tribunal in terms, confers on it, by clause (a), the powers which are vested in a Court under the Code of Civil Procedure when trying a suit, *inter alia*, in respect of discovery and inspection. Therefore, in a proper case, the Tribunal can order the inspection of the ballot boxes and may proceed to examine the objections raised by the parties in relation to the improper acceptance or rejection of the voting papers. But in exercising this power, the Tribunal has to bear in mind certain important considerations. Section 83(1)(a) of the Act requires that an election petition shall contain a concise statement of the material facts on which the petitioner relies; and in every case, where a prayer is made by the petitioner for the inspection of the ballot boxes, the Tribunal must enquire whether the application made by the petitioner in that behalf contains a concise statement of the material facts on which he relies. Vague or general allegations that valid votes were improperly rejected, or invalid votes were improperly accepted, would not serve the purpose which section 83(1)(a) has in mind. An application made for inspection of ballot boxes must give material facts which would enable the Tribunal to consider whether in the interests of justice, the ballot boxes should be inspected or not. In dealing with this question, the importance of the secrecy of the ballot papers cannot be ignored. And it is always to be borne in mind that the statutory rules framed under the Act are

intended to provide adequate safeguard for the examination of the validity or invalidity of votes or for their proper counting. It may be that in some cases, the ends of justice would make it necessary for the Tribunal to allow a party to inspect the ballot boxes and consider his objections about the improper acceptance or improper rejection of votes tendered by votes at any given election; but in considering the requirements of justice, care must be taken to see that election petitioners do not get a chance to make roving or fishing enquiry in the ballot boxes so as to justify their claim that the returned candidate's election is void. We do not propose to lay down any hard and fast rule in this matter; indeed, to attempt to lay down such a rule would be inexpedient and unreasonable."

In the next paragraph the Supreme Court has considered the various rules relating to counting and says: "We have referred broadly to the scheme of these Rules to emphasise the point that the election petitioner who is a defeated candidate, has ample opportunity to examine the voting papers before they are counted, and in case the objections raised by him or his election agent have been improperly overruled, he knows precisely the nature of the objections raised by him and the voting papers to which those objections related. It is in the light of this background that section 83(1) of the Act has to be applied to the petitions made for inspection of ballot boxes. Such an application must contain a concise statement of the material facts." The Supreme Court has upheld the High Court's view that the Tribunal was in error in allowing inspection of the ballot boxes.

In this case, therefore, there is an indication that in terms of section 83(1) an election petition asking for a recount should contain material facts as to the voting papers to which objections were raised but were improperly over-ruled. The petitioner should give particulars as to the (a) nature of the objections and (b) the ballot papers to which those objections related.

Counsel for the respondent No. 2 then relied on the Supreme Court's recent judgment in *Jitendra Bahadur Singh vs. Krishna Behari* reported in AIR 1970 S.C. at page 276. In the election petition here, the following allegations were made:

"1. Only one counting agent was permitted at each table whereas three persons were doing the counting work simultaneously and it was impossible for one man to look into and detect the wrong acts of three persons at the same time.

Under this head it was further mentioned that the counting staff was from amongst the Government servants who had gone on two months strike before the election and during the elections they had adopted a hostile attitude towards the congress candidates and had made efforts to bring about their defeat:

2. The bundle of votes of either candidates were neither properly made nor properly scrutinised;

3. About 5000 votes of the Congress candidate were improperly rejected ignoring the protests of Mr. Malhotra, the election agent of the Congress nominee;

4. Invalid votes were counted in favour of the returned candidate. The votes of the Congress candidate were counted for the returned candidate."

The Allahabad High Court made in this case an order permitting inspection of the packets of the ballot papers containing the accepted as well as rejected votes of the candidates. The Supreme Court has set aside this order. In paragraph 7 of the judgment the Supreme Court refers to its earlier decisions reported in AIR 1964 S.C. 1249 and AIR 1966 S.C. 773 (already considered by me) and proceeds to state:

"These and other decisions of this Court and of the High Courts have laid down certain basic requirements

to be satisfied before an Election Tribunal can permit the inspection of ballot papers. They are:—

(1) That the petition for setting aside the election must contain an adequate statement of the material facts on which the petitioner relies in support of his case and (2) The Tribunal must be *prima facie* satisfied that in order to decide the dispute and to do complete justice between the parties, inspection of the ballot papers is necessary."

In paragraph 8 of this Judgment the Supreme Court points out some of the defects in the pleadings I have set out above. The Supreme Court says: "The Trial Court was of the opinion that if an election petitioner in his election petition gives some figures as to the rejection of valid votes and acceptance of invalid votes, the same must (not?) be considered as an adequate statement of material facts. In the instant case apart from giving certain figures whether true or imaginary, the petitioner has not disclosed in the petition the basis on which he arrived at those figures. His bald assertions that he got those figures from the counting agents of the Congress nominee cannot afford the necessary basis. He did not say in the petition who those workers were and what is the basis of their information. It is not his case that they maintained any notes or that he examined their notes, if there were any. The material facts required to be stated are those facts which can be considered as materials supporting the allegations made. In other words, they must be such facts as to afford a basis for the allegations made in the petition. The facts stated in paragraphs 13 and 14 of the election petition and in schedule "E", are mere allegations and are not material facts supporting those allegations. This Court in insisting that the election petitioner should state in the petition the material facts was referring to a point of substance and not of mere form.. The material facts disclosed by the petitioner must afford an adequate basis for the allegations made." In paragraph 9 the Supreme Court considers the effect of section 47 of the Representation of People Act, 1951 and states: "The petitioner did not state in the election petition that any of the counting agents appointed by the Congress candidate or his election agent in accordance with the Rules had been refused admission to the place of counting. Hence the allegation that the returning officer did not permit enough number of counting agents to be appointed is not supported by any statement of facts necessary to be stated. In other words, the material facts relating to the allegations made have not been stated."

In paragraph 10 it is observed: "Now coming to the rejection of the votes polled in favour of the Congress nominee, under the rules before a vote is rejected the agents of the candidates must be permitted to examine the concerned ballot paper. Therefore it was quite easy for them to note down the serial number of the concerned ballot papers. The election petition is silent as to the inspection of ballot papers or whether the counting agents had noted down the serial numbers of those ballot papers or whether those agents raised any objection relating to the validity of those ballot papers; if so who those agents are and what are the serial number of the ballot papers to which each one of them advanced their objections. These again are material facts required to be stated."

Mr. Chatterjee learned counsel for the election petitioner, submits that this judgment of the Supreme Court was delivered in an appeal from an interlocutory order permitting inspection of ballot papers. No oral evidence was taken on the averments in the election petition. The Supreme Court had sent the matter back to the Trial Judge for trial in accordance with law. Moreover, in this case no application was made to the returning officer for recounting. Mr. Chatterjee has urged that in the instant case he wants to adduce evidence justifying the necessity for an order for a recount and the election petitioner should not be deprived of the opportunity of adducing the relevant evidence.

At this stage I only intend to observe that evidence can be adduced only in support of facts alleged in the petition. And if the petition does not contain the material facts, the court cannot allow a party to call witnesses to supply the deficiencies in pleading.

What these 'material' facts are in relation to an order for a recount has been repeatedly pointed out by the Supreme Court in the decisions cited above. It is true that in the last cited case the Supreme Court has directed the trial judge to proceed with the trial in accordance with law. But it seems to me that this direction was given with reference to the other allegations in the petition apart from allegations to support an order for recounting. From the judgment it appears that the election of the appellant was challenged on various grounds but the Supreme Court made it clear that its present judgment was confined only to the allegations relating to the irregularity in the scrutinising and counting of votes. In this connection, I may once again advert to the Supreme Court's views expressed in Jagjit Singh's case reported in AIR 1966 S.C. 773. In this case the Tribunal allowed a recounting and came to the conclusion that the result of the election, so far as the returned candidate was concerned, had been materially affected by improper reception and rejection of votes; but the Supreme Court in unmistakable language deprecates the practice of allowing inspection of ballot papers without material averments. In paragraph 35 at pages 784 and 785 of the judgment the Supreme Court has said: "...The order passed by the Tribunal clearly shows that the Tribunal did not apply its mind to the question as to whether sufficient particulars had been mentioned by the appellant in his application for inspection. All that the Tribunal has observed is that a *prima facie* case has been made out for examining the ballot papers; it has also referred to the fact that the appellant has in his own statement supported the contention and that the evidence laid by him *prima facie* justifies his prayer for inspection of ballot papers. In dealing with this question, the Tribunal should have first enquired whether the application made by the appellant satisfied the requirements of section 83(1) of the Act; and, in our opinion, on the allegations made, there can be only one answer and that is against the appellant. We have carefully considered the allegations made by the appellant in his election petition as well as those made by him in his application for inspection, and we are satisfied that the said allegations are very vague and general, and the whole object of the appellant in asking for inspection was to make a fishing enquiry with a view to find out some material to support his case that the respondent No. 1 has received some invalid votes and that the appellant had been denied some valid votes. Unless an application for inspection of ballot papers makes out a proper case for such inspection, it would not be right for the Tribunal to open the ballot boxes and allow a party to inspect the ballot papers, and examine the validity or invalidity of the ballot papers contained in it. If such a course is adopted, it would inevitably lead to the opening of ballot boxes almost in every case, and that would plainly be inconsistent with the scheme of the statutory rules and with the object of keeping the ballot papers secret. That is why we are satisfied that the High Court was right in coming to the conclusion that the appellant had failed to make out a case for the inspection of the ballot boxes in this case."

In view of these observations of the Supreme Court, I cannot allow the election petition to be tried on evidence, as desired by counsel for the petitioner, unless I am satisfied that the material facts necessary for an order for recounting have been alleged in the instant case in the petition itself. By bringing witnesses into the Witness Box the petitioner cannot be permitted to improve upon his allegations in the petition. Reference may also be made in this connection to the case of *Jamuna Prosad vs. Shri Ramnivas A.I.R. (1959) Madhya Pradesh 226*. It has been observed in paragraphs 12 and 13 of the judgment at page 229 that in the absence of particulars of corrupt practices an election petition cannot be allowed to go to trial. On §

parity of reasoning if "material facts" for recounting are not stated in the petition a trial on evidence cannot be ordered. Oral evidence cannot be adduced to fill up "material facts" which ought to have been alleged in the petition itself.

I may now refer to a few other decisions on which counsel for the petitioner had relied. My attention was drawn to the Supreme Court's decision in *Jagan Nath vs. Jaswant Singh and ors.* reported in 9 E.L.R.; The Supreme Court has held in this case that the provisions contained in section 82 of the Representation of People Act, 1951 that all duly nominated candidates shall be joined as parties to an election petition is only a directory provision. Failure to implead a candidate who has withdrawn his candidature is therefore not a fatal defect, and an election petition cannot be dismissed *in limine* for failure to implead such a candidate. The Supreme Court is of opinion that the Tribunal should proceed in such a case in the manner provided in the Civil Procedure Code, which has been made applicable to the trial of election petitions, and it can permit candidates who have not been impleaded to be made parties to the petition.

Mr. Chatterjee has submitted to me on the basis of the above decision that, like section 82, section 83 is also a merely directory provision and an election petition cannot be dismissed altogether for non-compliance with any of the provisions of section 83.

I have to observe that in the above judgment the Supreme Court reserved its final opinion on matters specifically covered, *inter alia*, by section 83. And so far as order for recount is concerned, I am unable to accept Mr. Chatterjee's view that non-compliance with section 83(1)(a) is not fatal to an election petition in view of the Supreme Court's repeated pronouncements on this subject I have already referred to.

Relyance was then placed on the Supreme Court's decisions in *Bhikaji Keshao Joshi vs. Brijlal Bivani*, 10 E.L.R. 357 and *Harish Chandra vs. Triloki Singh* 12 E.L.R. 461. In the first case the Supreme Court has pointed out that if full particulars of some of the corrupt practices alleged are not given, the Tribunal should call for better particulars and can strike out charges only upon non-compliance with the order for better particulars. In the second case at pages 470 to 471 it has been stated that if the grounds on which an election is sought to be set aside are something other than the commission of corrupt or illegal practices, e.g., when it is stated that the nomination had been wrongly accepted or that the returned candidate was not entitled to stand for election, then section 83(2) has no application and the requirements of section 83(1) are satisfied when facts relating to those objections are stated. The Supreme Court points out that the facts to be stated under section 83(1) are thus different from the particulars which have to be given under section 83(2). When, therefore, an election is challenged on the ground that the candidate has committed the corrupt practices mentioned in section 123 instances constituting particulars thereof will properly fall within section 83(2) and not section 83(1).

These two cases are not relevant for the points under consideration in the present case. It is obvious that there are differences between "material facts" in section 83(1) and "full particulars of any corrupt practice" in Section 83(2). The Madras High Court in *S. Kandaswami vs. S. B. Adityan*, 19 E.L.R. 260 has considered the distinction between "material facts" in section 83(1) (a) and "full particulars of any corrupt practice" in section 83(1)(b). The Madras High Court says: "The section makes a distinction between material facts and particulars. Material facts are those which will go to make out the petitioner's case forming the charge against the respondent. If the material facts constitute a corrupt practice, certain amount of detail would be necessary to ensure clearness. The object of insisting on such details or particulars is to prevent surprise at the trial as otherwise the respondent would not know for certain what is the real point

in dispute. The function of the particulars is therefore to point out or indicate the nature of the defence expected of the respondent. It cannot, however, mean a disclosure of the evidence which the petitioner has to let in."

The Madras High Court in this case has also referred to the decision in *Bruce vs. Odhama Press Ltd.* (1936) I.K.B. 697 at page 712 Scott L.J. has construed the relevant rules of the Supreme Court and has stated that the word "material" means necessary for the purpose of formulating a complete cause of action; and if any one "material" fact is omitted, the statement of claim is bad; it is "demurrable" in the old phraseology, and in the new is liable to be "struck out"; "a further and better statement of claim" may be ordered. Scott, L.J. then goes on to say that the function of "particulars" is quite different. Their function is to fill in the picture of the plaintiff's cause of action with information sufficiently detailed to put the defendant on his guard as to the case he has to meet and to enable him to prepare for trial.

In this case we are concerned with the material facts that must be stated for a complete cause of action for an order for recount and not with particulars of corrupt practice. The Supreme Court's decisions on these "particulars" are not, therefore, apposite for our purposes.

Bearing in mind the Supreme Court's observations in the cases cited above on 'material facts' required in a petition praying for inspection of ballot papers or a recount of votes, let us try to analyse the averments made in the petition in the instant case to see if, in the interest of justice, any order for recount should be made. The relevant allegations are in paragraph 8 of the petition. This paragraph has been verified by the petitioner as "based on information received from Shri Chandra Sekhar Bose the election agent of the respondent No. 4 and his counting agents affidavits from five of whom are annexed to this petition and believed by me to be true." No affidavit of Chandra Sekhar Bose was filed along with the election petition on the 24th April, 1971. The period of limitation prescribed by section 81 of the Representation of the People Act, 1951 expired on the 27th April 1971 and Chandra Sekhar Bose has affirmed a belated affidavit on the 13th July, 1971 which was filed on the 14th July, 1971. In this affidavit (paragraph 1) he says that he attended a bipartite meeting with the management of the Life Insurance Corporation of India which was held in Bombay from the 19th to the 24th April, 1971. He says further that he left Calcutta on the 16th April and came back to Calcutta on the 26th April, 1971. There is no explanation as to why he could not affirm his affidavit between the 27th April 1971 and the 12th July, 1971. Nor is there any explanation as to why he did not affirm his affidavit before leaving Calcutta on the 16th April, 1971 since he was the only person who was in a position to speak generally about improper reception or rejection of votes at the different tables in the counting hall. The five counting agents whose affidavits have been filed with the election petition have no doubt, stated that the allegations in paragraph 8 of the election petition are true to their knowledge but no importance can be attached to this verification inasmuch as a counting agent can only speak of incidents that had occurred at his table and not at other tables. He can, however, speak of some general matters and I shall make my observations on such matters later on.

So far as Chandra Sekhar Bose is concerned I am unable to take any notice of the new facts that he has introduced into his affidavit. The Supreme Court in its recent judgment on "amendments" in the case of *A. K. Gupta & Sons Ltd. vs. Damodar Valley Corporation* AIR 1967 S.C. 96 in paragraph 9 at page 98 has categorically stated that no amendment will be allowed to introduce a new set of ideas to the prejudice of any right acquired by any party by lapse of time.

With these preliminary observations I proceed to examine the allegations in paragraph 8 of the petition. It is stated in paragraph 8(i): "There were a number of transistors inside the counting hall when the counting of the votes was going on and they were brought by the counting agents of respondents 2 and 3. The noise of the transistors seriously interfered with the counting work and the returning officer did not take any steps in spite of requests made on behalf of the respondent No. 4."

Chandra Sekhar Bose in paragraph 3 of his affidavit has made similar allegations; but he proceeds to add what the Supreme Court describes "as a new set of ideas." He says: "It (the operation of transistors "blaring out news and music") was seriously interfering with counting work and the counting assistants were counting negligently and without applying their minds. I saw the counting assistants inserting ballot papers of the respondent No. 4 into the bundles of respondents Nos. 2 and 3. I protested to the returning officer as well as to the assistant returning officer. I also asked them to cause the transistors to be removed. But they did not heed these protests."

It is rather difficult to believe that the returning officer who was the Collector of Stamp Revenue in Calcutta and his assistant returning officer did not take any steps against the playing of transistors in the counting hall even though their attention was drawn to the disturbance that these transistors were creating. The returning officer in paragraph 6(1) of his written statement has specifically denied these allegations. Secondly, in the election petition itself the most vital averments have not been made. There is no statement that the use of transistors in the counting hall by the counting agents of the respondents Nos. 2 and 3 led to miscounting of votes. Chandra Sekhar Bose has attempted to fill in the lacuna by stating a new fact namely, that he saw the counting assistants inserting ballot papers of the respondent No. 4 into the bundles of the respondents Nos. 2 and 3. This fact does not appear in the petition; but even if I take it into consideration the most material fact Chandra Sekhar Bose has omitted to state, namely the actual number of ballot papers that were negligently inserted into the bundles of the respondents Nos. 2 and 3. There are also no particulars of the counting tables at which the alleged insertions had taken place. Then again, it is interesting to note that Chandra Sekhar Bose applied to the returning officer for a recount on the 13th March, 1971. In this application nothing whatsoever is stated about the disturbance caused by the transistors which the counting agents of the other candidates had inducted into the counting hall or the effect thereof. It is true that an election petitioner need not be confined to the grounds urged before the returning officer: vide *Veluswami Thevar vs. Raja Nainar*, 17 E.L.R. 131 at page 189. But if unrestricted use of transistors went on within the counting hall despite protests, it would be but reasonable to expect some kind of allegation to this effect in the application for a recount made to the returning officer. The absence of such allegation, in my view, weakens the election petitioner's case to a great extent. The cumulative effect of all these infractions in the instant case is that I cannot allow a recount on this ground. Mr. Chatterjee, counsel for the petitioner, draw my attention to paragraph 11(1)(d) of the petition. It contains the petitioner's "submission" only that an anarchic situation prevailed in the hall of counting as alleged, inter alia, in paragraph 8(i). I do not think this 'submission' especially relied on by Mr. Chatterjee strengthens the petitioner's case.

In paragraph 8(ii) the allegation is: "On the 11th March, 1971, simultaneous counting was going on in respect of South-Beliaghata, Vidyasagar and Sealdah. On that date the counting in respect of the Cossipore Constituency.....was going on and announcement was being off and on made to the effect that the Congress candidate in that constituency.....was maintaining and/or increasing his lead over.....the C.P.I.(M) candidate. Whenever such an announcement was being

made, the counting-assistants who belonged to the group or groups hostile to C.P.I.(M) crowded round the transistors leaving the counting tables, causing near anarchy to prevail in the counting hall at these moments. The final news of the defeat of.....[C.P.I.(M) candidate] came at about 9 p.m. on the 11th March, 1971 and the counting assistants then burst into applause and joyous shouts and complete anarchy prevailed for about half an hour at that time and the majority of the counting assistants left the counting tables. Even the assistants of the presiding officer at the table where the counting for Vidyasagar constituency was going on left the counting table. Throughout 11th March, 1971 the atmosphere in the counting hall was not congenial for counting."

It is to be observed that in this sub-paragraph there is no specific allegation of miscounting. The petitioner merely complains that there was an uncongenial atmosphere in the counting hall. Chandra Sekhar Bose, however, in paragraphs 5 and 6 of his affidavit has added a few facts. He says that before his 'very eyes' the counting assistants deliberately inserted the respondent No. 4's ballot papers in bunches into the bundles of the respondents Nos. 2 and 3. He adds further that protests were made by him as well his counting agents to the counting assistants, the assistant returning officer and the returning officer; but these protests went unheeded. He alleges that the entire counting was being done in a fraudulent manner and the counting assistants, the assistant returning officer and the returning officer were all obviously hostile to the C.P.I.(M) candidate. Apart from these being new facts, the most remarkable feature is that Chandra Sekhar Bose has omitted to state even approximately how many ballot papers of the respondent No. 4 were 'deliberately' inserted into the bundles of the respondent Nos. 2 and 3. He could have also given particulars of the counting tables at which these incidents had occurred; but he has not chosen to do so. There are also no names of the counting agents who made protests or of the counting assistants to whom the protests were made. And, strangely enough, there is no mention of any of these facts in his

counting to the returning officer. On of this nature, therefore, the Supreme prevent me from making an order for recount. I would add that the returning officer has denied the allegations in paragraph 8(ii) of the petition in paragraph 6(ii) of his written statement. I shall make further observations on the Vidya-sagar Constituency later in this judgment.

In paragraph 8(iii) of the petition it is alleged: "There was an acrimonious wordy duel between the presiding officer at Vidyasagar and his assistants on 11th March, 1971. The exchanges that went on between them, were carried on in such a loud voice that there was serious disturbance to counting and the other counting assistants became visibly unmindful. As stated above, the atmosphere in the counting hall was seriously uncongenial to counting."

These are again vague allegations completely lacking in particulars that go to constitute "material facts" for an order for a recount apart from further comments on the Vidyasagar Constituency which I shall subsequently make.

In paragraph 8(iv) of the petition the statements are: "Both on 11th March, 1971 and 13th March, 1971 counting assistants were paid their remuneration while the counting was going on. At the time of, and during payment of the remuneration, hulla went on and the counting assistants became unmindful to their work, left their tables and were thoroughly negligent in the business of counting. On 13th March, 1971 there was a further hulla, and shouts and counter-shouts were raised for a considerable period of time over the quantum of remuneration. Whereas on 11th March, 1971, the counting assistants were paid at the rate of Rs. 3.00 per day, on 13th March 1971 they demanded more on the ground that the work of counting was strenuous and also prolonged. The demand was raised

to a high pitch and the officers came and went in vain attempt to persuade the counting assistants to resume working. Ultimately the employees became pacified only when they were promised at the rate of Rs. 9.00 per day. This wrangling of the employees and demand of the employees for a higher rate of remuneration went on from 7 p.m. to 9 p.m."

The election petitioner has stated all these facts to create the impression that counting did not take place in the proper atmosphere. But in the remaining statements he has made in this sub-paragraph he fails to state 'material facts' on the basis whereof the court can come to his aid. These remaining statements are: "This incident again shows that counting was carried on in an uncongenial and acrimonious atmosphere of quarrel, debate, struggle for higher wages and also political enthusiasm which was expressed in joyful shouts at the news of the defeat of C.P.I.(M) candidates. All this affected counting and the petitioner has every reason to believe that counting was in this atmosphere, perfunctory. Attention of the counting assistants was also, again and again diverted by the blaring of transistors and also by exciting news broadcast through these transistors."

The Supreme Court has said repeatedly that the secrecy of the ballot cannot be disturbed by in-determinate allegations of this nature. The petitioner's 'belief' is immaterial. What is material is what the petitioner sees or knows and the details thereof.

Chandra Sekhar Bose in paragraph 7 of his affidavit reiterates more or less these vague allegations; but he adds a few new facts which, if stated in the petition with full particulars and supporting affidavits might have persuaded me to think whether some kind of order for recount should be made. He says: "I found at many tables, the counting agents of respondent No. 2 sorting and arranging the ballot papers. Myself and some of my counting assistants, namely, Shri Saibal Ghose and Shri Rajendra Nath Ghose complained to the assistant returning officer and the returning officer, but, as usual the complaints were unattended. These are new facts not stated in the petition. Secondly, there are no particulars of the tables at which he saw the respondent No. 2's counting agents sorting out or arranging the ballot papers. Thirdly, there is no affidavit by Saibal Ghose; but there is an affidavit by Rajendra Nath Ghose filed along with the petition and he does not say that he made any such complaint either to the assistant returning officer or the returning officer. Last but not the least, these allegations do not find any place in Chandra Sekhar's application to the returning officer for a recount. On all these grounds I am unable to agree with Mr. Chatterjee that there can be any order for recount on the footing of what is stated in paragraph 8(iv) of the election petition.

I now proceed to paragraph 8(v). It is alleged: "Each counting table was very narrow and the counting assistants sat with upright wooden pigeon holes. The table was so narrow that only two counting agents could sit by each side of the counting-assistants and on many occasions the counting agents of the respondent No. 4 could not secure any chair by the side of the counting assistants. The chair opposite to the counting assistants was useless for observing and watching the counting because the wooden upright pigeon-hole completely obstructed the sight of the agents. Particularly, when the counting for Burtolla Constituency was done on 13th March, 1971, from the beginning to the end, from about 8-30 a.m. on 13th March to 1 a.m. on 14th March 1971, no counting agent of the respondent No. 4 could sit on either side of the counting assistants (who) belonged to group or groups hostile to C.P.I.(M), irregularities were committed in counting and ballot papers in favour of the respondent No. 4 had been bound and mixed with ballot papers in favour of the respondent No. 2 and the respondent No. 3 and the result of the counting was thereby grossly affected. It was not possible for counting agents to observe the counting from behind the counting assistants, just because there was no room for standing."

These are worthless allegations and Court can take any notice of them. In the election petition the petitioner has repeatedly said that he had made various complaints to the returning officer or the assistant returning officer; but, it is interesting that, in the case of allegations in this sub-paragraph he does not say that the attention of the said officers or any of them was drawn to the inconveniences of the counting agents of the respondent No. 4 complained of herein. Nor have these facts been referred to in Chandra Sekhar Bose's application for recounting. Moreover, the sub-paragraph suffers from a palpable contradiction. If the counting agents of the respondent No. 4 were unable to observe the counting, how could they see that the ballot papers of the respondent No. 4 were mixed up with the ballot papers of the respondents No. 2 or 3? In any event, no particulars of these ballot papers at all have been stated in this sub-paragraph. On these allegations, therefore, there can be no order in favour of the petitioner.

We now come to paragraph 8(vi). It is stated: "Doubtful and/or rejected votes were disposed of by the returning officer in the absence of the election agent of the respondent No. 4 and of the respondent No. 4 and/or any of his counting agents."

This sub-paragraph contradicts sub-paragraph (xvi). In this sub-paragraph the allegation is: "A large number of votes amounting to 11,812 were rejected and those included a large number cast in favour of the respondent No. 4 which were improperly rejected without any valid reason. If those had not been rejected, the respondent No. 4 would have received substantially more than 2,447 votes by which he was defeated by respondent No. 2. Similarly votes which should have been rejected have been counted in favour of respondent No. 2."

There cannot be an order for a recount on the basis of paragraph 8(vi) as it contradicts paragraph 8(xvi). If doubtful or rejected votes were disposed of in the absence of the respondent No. 4 and his election agent and his counting agents, the election petitioner's statements in paragraph 8(xvi) were wholly unwarranted. There cannot also be an order for a recount on the basis of sub-paragraph (xvi) inasmuch as these are but vague allegations without any details of the ballot papers of the respondent No. 4 actually rejected or those in favour of the respondent No. 2 improperly accepted.

Let us now go to paragraph 8(xvi). Here it is stated: "That the members of the counting staff were intensely hostile to the candidates of Communist Party (Marxist). In course of counting, a large number of valid votes cast in favour of the respondent No. 4 were not counted as valid votes and similarly a large number of invalid votes which should not have been counted in favour of respondents 2 and 3 were counted as valid votes in favour of the said respondents."

The petitioner has been complaining over and over again of the hostility of the counting assistants. No such complaint was made in the application for recount to the returning officer. Assuming that such hostility existed, the Court cannot direct a recount of votes unless it is satisfied that as a result of the hostility the counting was not properly done. And it is for the election petitioner to state the 'material facts' which lead to that conclusion. In the instant case such material facts have not been pleaded. A counting assistant may be against a particular political party; but the Court must be convinced that in the discharge of his duties as counting assistant, he had acted in a manner prejudicial to that party's interests. Far from giving the 'material facts' the election petitioner has only made vague allegations in the rest of this sub-paragraph and has given no particulars of the valid votes which were not counted and the invalid votes which were counted.

In paragraph 8(viii) the averment is: "That, while bundles of 50 ballot papers each were being made in favour of the different candidates, ballot papers cast in

favour of the respondent No. 4 were put inside the bundles made for the respondents Nos. 2 and 3 and, as the ballot papers were folded, the counting agents of the respondent No. 4 were not able to check from the outside that the bundles made for the respondents 2 and 3 concealed the ballot papers cast in favour of the respondent No. 4."

There could not have been better instances of wild and vague allegations which the Supreme Court has time and again discouraged and I am unable to act on them.

In paragraph 8(ix) it is alleged: "that such concealment of ballot papers cast in favour of the respondent No. 4 in the bundles made for the respondents 2 and 3 occurred on a large scale in—Burtolla Constituency and Vidyasagar Constituency. As stated in the foregoing paragraph 8(v) the counting agents of the respondent No. 4 were not in a position to catch the counting because they did not get any seat by the side of the counting assistants. When counting was going on in Vidyasagar Constituency on 11th March, 1971, the counting agents of the respondent No. 4 left the counting hall at about 8 in the evening in protest against the fraudulent operations of the counting assistants who were committing the illegalities mentioned above. They left when the returning officer did not heed their protest."

These are but reckless allegations. The petitioner himself is saying that the respondent No. 4's counting agents were unable to watch the counting for the Burtolla Constituency. So far as Vidyasagar is concerned in the petition it is stated that the respondent No. 4's counting agents left at 8 p.m., but in the application for recount to the returning officer Chandra Sekhar Bose has said that when the votes of the Vidyasagar Constituency were counted, the counting agents of the respondent No. 4 'could not present' inside the counting hall and Chandra Sekhar has "reasons to believe that error in counting has occurred." It is obvious that the petitioner is not entitled to an inspection of the ballot papers on such vague and self-destructive allegations.

In paragraph 8(x) it is averred: "The procedure adopted at the counting was to bind all the ballot papers in a Constituency after getting them out of the ballot boxes in bundles of 25 and then to mix them up in a drum and thereafter to distribute these bundles to different counting tables. These bundles were then opened and the counting assistants placed the ballots in the pigeon holes marked for the respective candidates according as they have been cast in favour of one candidate or the other. There were two other pigeon holes for rejected ballot papers and doubtful ballot papers. The counting assistants who were mostly hostile to the Communist Party (Marxist) and therefore to the Respondent No. 4 quietly slipped the ballot papers marked in favour of the Respondent No. 4 into the pigeon holes marked for Respondent Nos. 2 and 3. Thereafter separate bundles of 50 each were made of the ballot papers respectively for the Respondent No. 4, Respondent No. 2 and Respondent No. 3 according to the pigeon holes wherefrom they were picked and in those bundles the ballot papers were so folded that from the outside none could see to whom the ballot papers were marked. The petitioner states that many bundles purporting to contain votes of Respondent No. 2 comprised of ballot papers marked to the Respondent No. 4. Such things particularly happened in Burtolla and Vidyasagar Constituency because, as stated above, the counting agents of the Respondent No. 4 could not watch the counting at Burtolla Constituency and they left in protest when Vidyasagar Constituency was being counted. Part II of form 16 is filled in on the basis of the result of the counting of the bundles of accepted ballot papers. Form No. 20, the final result sheet, is prepared on the basis of form No. 16 and Form No. 21 the result of election is prepared on the basis of the entries in Form No. 20. As Form No. 16 was not, and could not be correctly filled in because the entries therein are filled on the basis

of bundles, the bundles being in this way incorrectly grouped, the result of the election has been wrongly declared."

These are instances of another set of wild allegations. There are no figures, no details of specific instances, no names of persons who have watched the misdeeds of the counting assistants and no reference to any notes kept by them contemporaneously. Moreover, it is not even alleged in this sub-paragraph that any protests were lodged on behalf of the respondent No. 4. Then again, there are special references to the Burtolla and Vidyasagar Constituencies. With regard to Burtolla, the election petitioner's case is that the respondent No. 4's counting agents could not watch the counting owing to defective arrangements: vide paragraph 8(v). So far as Vidyasagar is concerned, I have already pointed out that the case appears to be that no one was present on behalf of the respondent No. 4. In these circumstances, no order for inspection of ballot papers can be made on these allegations.

In paragraph 8(xi) it is pleaded: "That many bundles of ballot papers cast in favour of the respondent No. 4 though purporting to be of 50 each, actually contained more than 50 such papers whereas on the other hand similar bundles of the respondent No. 2 and 3 contained in many cases less than 50 ballot papers."

These are but bald assertions of which I can take no notice.

In paragraph 8(xii) it is stated: "that the respondent No. 1, the returning officer was not able to exercise supervision over the acceptance of ballot papers by the counting assistants and he would scrutinise only those ballot papers which were taken to him by the counting assistants or which were placed as doubtful ballot papers before him. In fact, neither the returning officer nor any assistant returning officer was present when the counting went on and the returning officer only came to the hall at the time of announcement of the result. He was keeping within his chamber in the building. The counting assistants who were politically hostile to the Communist Party (Marxist) candidate accepted even invalid ballot papers in favour of the respondents 2 and 3 and counted them as valid votes.

The returning officer has denied the allegations against him and his assistants in paragraph 8(xii) of his written statement. His case appears to be, broadly speaking, that each counting hall was under the charge of two assistant returning officers who were present all through. The returning officer also was moving from hall to hall. At each counting table there were two counting assistants and one counting supervisor. The work of the supervisor was to maintain general supervision over the counting assistants. In my opinion, the returning officer could not have made better arrangements than this having regard to the circumstances involved. It is not possible for a returning officer and his assistants to watch constantly the performances of the counting assistants and their supervisions. The relevant rules do not also envisage such supervision. The real grievance of the petitioner seems to be that counting assistants hostile to the Communist (Marxist) party candidate accepted invalid ballot papers in favour of the respondents 2 and 3 and counted them as valid votes; but he has given no particulars whatsoever of these invalid ballot papers. And in the absence of such particulars the Supreme Court has discouraged the practice of allowing inspection of ballot papers the secrecy whereof, according to their Lordships of the Supreme Court, has to be preserved as far as possible.

In paragraph 8(xiii) the averment is: "That when the counting was in process, the respondent No. 4's election agent, his counting agents and the respondent No. 4 himself gave objections to the process and the various irregularities and illegalities that were being committed during the counting but the returning officer paid no heed to those objections. When written objections were submitted to him, he refused to give

receipts for those objections. An application for recount was also given to him but that was also rejected by him. The returning officer also insisted that in the application for recount, allegations of faulty process or counting and allegations against the counting assistants should not be included and that, if such allegations were included, he would not accept such application. Accordingly the election agent of the respondent No. 4 was compelled to exclude from that application the allegations made in foregoing sub-paragaphs of this paragraph 8 as otherwise the returning officer would not accept the application for recounting." In the context of the vague and reckless allegations which the election petitioner has made in the foregoing sub-paragaphs of paragraph 8, it is difficult to place any reliance on the charges against the returning officer in sub-paragaph (xiv). The returning officer has denied all these allegations in paragraph 6(xiii) of his written statement. If there was any truth in these allegations, the election petitioner, one can naturally expect, would have disclosed or annexed copies of the written objections which were filed on behalf of the respondent No. 4. The names of the counting agents who made objections, should have also been disclosed and the precise nature of each of their objections should have been pleaded. I shall also make my comments on the application for recount to the returning officer a little latter part from what I have stated here.

I proceed now to paragraph 8(xiv). Here, it is stated: "That forms 16 and 20 were incorrectly filled in and the number of votes respectively secured by the respondent No. 4 has been wrongly stated."

The allegations are too indefinite to be taken into consideration. There are no particulars of the errors that were committed.

In paragraph 8(xv) the pleading is: "Two ballot boxes of the Burtolla constituency were found tampered with. Their seals were broken and signed papers torn. The presiding officer of Burtolla Constituency at first ordered that the votes contained in the aforesaid tampered boxes would not be counted but later he revoked this order and the votes were counted. While the first order was proper, the order revoking the previous order was unreasonable and passed without any reason and without hearing the respondent No. 4 or his election agent or his counting agent. Moreover, when the order was revoked and the tampered ballot boxes were counted the returning officer was not in sight and the respondent No. 4 has reason to believe that no reference was made to him."

The returning office in paragraph 6(vi) of the written statement has denied these allegations. Quite legitimately, he has stated further. "It is significant that no such allegation was ever brought to the notice of the returning officer by anybody at the time of or after the counting."

To my mind, no seriousness can be attached to the allegations in paragraph 8(xv). It is not the petitioner's case that any one complained to the returning officer on behalf of the respondent No. 4 that ballot papers in two tampered ballot boxes were being counted. The complaint was not made even in the application for recounting to the returning officer. Moreover, no particulars of these ballot boxes have been given in the petition. Each ballot box, it is common knowledge, contains the votes of persons residing in specified areas. It was not at all difficult for the petitioner to tell the Court which these areas were. The petitioner could have also given particulars of the polling stations and the room numbers thereof in which these ballot boxes were placed. In any event, it is not the petitioner's case that the result of the election has been materially affected by the irregular counting complained of. I am not, therefore, inclined to make an order for a recount on these allegations.

These are all the sub-paragaphs of paragraph 8 of the petition. Broadly speaking, therefore, the petition does not contain the 'material facts' on which a prayer

for recount can be allowed. Even when an attempt has been made to relate some 'material facts', such attempts are half hearted and are often self destructive. In a case like this, in view of the Supreme Court's interpretation of section 33(1)(a) of the Representation of the People Act, 1951, no order in favour of the petitioner can be made.

Before I conclude, however, I wish to make a few other observations. I have said that an election petitioner is not bound by the allegations made in an application for recounting; but it is legitimate to look into such application to see what precisely the grievances were when the returning officer was asked to make a recount. In the instant case the grounds urged are as follows:—

1. When the votes of the Vidyasagar Constituency were being counted the respondent No. 4's counting agents "could not be present." The election agent, therefore, has "reasons to believe that error in counting has occurred."

2. A large number of votes in favour of respondent No. 4 have been improperly rejected.

3. A good number of invalid votes in favour of Prof. Hiren Mukherjee have been accepted.

4. The new system of counting has caused some confusion and there is every chance for a good number of ballot papers either having been issued during counting or being doubly counted.

The election agent has requested the returning officer to direct a recount of votes "in respect of all the constituencies and particularly of Vidyasagar."

It is, indeed, surprising that there are no references in this application to (i) disturbances created by transistors; (ii) joyous or triumphant shouts on the victory of a Congress candidate; (iii) unseemly wordly duels between officers and counting assistants over remuneration; (iv) invisibility of counting due to up-right pigeonholes; (v) shortage of sitting accommodation to permit proper checking; (vi) inherent hostility of the counting staff to the CPI(M) candidate; (vii) tampering of ballot boxes of the Burtolla constituency; and (viii) protests against irregularities written or oral.

These omissions are significant and no credence can be attached to the petitioner's explanation that the returning officer was unwilling to accept the application unless all these charges were omitted. I do not believe that a candidate contesting for Parliament or his election agent can be cowed into submissiveness by a persistently hostile returning officer particularly after he has declared the result of the election. It is not also the petitioner's case that the respondent No. 4's election agent did not have or was not given reasonable or sufficient time to draft the application for recount.

I have already made a few remarks on the verification of paragraphs 8 and 11 of the petition. The supporting affidavits of the five counting agents are more or less identical. These counting agents do not give their admit card numbers nor do they give any particulars of the counting tables which they attended. They have said that all the statements made in paragraph 8 of the petition are true to their knowledge. And it is difficult to appreciate how one counting agent can speak of happenings at counting tables which he never attended. They also do not say that they conveyed any information to Rathindra Kumar Ghose, the election petitioner. The point I wish to make is that the verification both of the petition and of the supporting affidavits is so infirm that the petitioner ought not to succeed.

I have stated that Chandra Sekhar Bose the election agent of the respondent No. 4 has filed an affidavit after the expiry of the period of limitation. He has introduced, I have already said, many new facts into this affidavit which do not find any place in the petition. For instance, in paragraph 3 he says that he

protested to the assistant returning officer against the use of transistors; in paragraph 5 he speaks of counting agents of respondent Nos. 2 and 3 bringing into the counting hall news of the lead of the Congress candidate over a C.P.I.(M) candidate in an assembly constituency contradicting thereby the statements made in paragraph 8(II) of the petition; he speaks, further in this paragraph of deliberate insertion of the respondent No. 4's ballot papers into the bundles of ballot papers of the respondent Nos. 2 and 3 in spite of protests; and of the returning officer and the assistant returning officer being hostile to the C.P.I. (M) candidate which are all improvements on the petition. These embellishments give me the impression that Chandra Sekhar Bose has made a desperate attempt to put life into a dead petition or to inject vitality into it. But his affidavit also suffers from vagueness. For instance, in paragraph 3 he complains that he saw the counting assistants inserting ballot papers of the respondent No. 4 into those of the respondent Nos. 2 and 3; but he does not say how many ballot papers were inserted or at which table these insertions were done.

In paragraphs 4 and 5 he repeats the same statements without any particulars. In paragraph 6 he complaints of uncongenial atmosphere in the counting hall for the counting agents of the respondent No. 4. Apart from the vagueness of this allegation, he did not choose to give even an indication of it in his own application to the returning officer. In paragraph 7, as I have already pointed out, he gives the names of two persons, namely, Saibal Ghose and Rajendra Nath Ghose who are stated to have made complaints to the assistant returning officer and the returning officer that at many tables the counting agents of the respondent No. 2 were sorting out and arranging the ballot papers. Saibal Ghose has not affirmed any affidavit at all. Rajendra Nath Ghose has affirmed an affidavit on the 24th April, 1971; but he does not state this fact. Moreover, there is no averment as to how many counting agents of the respondent No. 2 had been handling the ballot papers and at how many tables such incidents were taking place. In other words, there are no figures at all. In paragraph 8 he makes the complaint that the counting assistants, while counting the ballot papers of the Burdolla Constituency, were fraudulently transferring ballot papers of the respondent No. 4 to the bundles of the respondents Nos. 2 and 3. No particulars of the fraud alleged have been pleaded. There is no mention of table numbers or of the number of ballot papers fraudulently transferred. In paragraph 9 he contradicts his own application to the returning officer for recount. In that application he said that when the votes of the Vidyasagar Constituency were counted, the respondent No. 4's counting agents "could not be present." In paragraph 9 of his affidavit he says that the counting started at 9 A.M. and the counting agents left at 8 P.M. when they found that their protests were useless. In paragraph 10 he brings the charge against the returning officer that he substantially accepted the rejections of ballot papers by the counting assistants. The intention is to convey to the Court that the returning officer did not apply his own mind in rejecting ballot papers. This statement contradicts paragraph 8(vi) of the petition in which the election petitioner categorically states that when the returning officer disposed of doubtful and/or rejected votes neither the respondent No. 4 nor his election agent nor any of his counting agents was present. In paragraph 11 for the first time it is stated on behalf of the election petitioner that in the two ballot boxes of the Burdolla Constituency which have been tampered with there were about 900 ballot papers. But there are no particulars as to how many ballot papers were accepted as valid in favour of each of the candidate contesting the elections and how many were rejected. And as I have already stated earlier, the result of the election it appears, was not materially affected by such counting. In paragraph 11 Chandra Sekhar also states that more than 3,000 ballot papers of the respondent No. 4 were illegally rejected. When the election petitioner's case is that these rejec-

4 or any one else on his behalf this allegation is of no substance. And it is, indeed surprising that Chandra Sekhar verifies this statement to be true to his knowledge.

The position, therefore, is that even if Chandra Sekhar Bose's affidavit had been filed within time one would be inclined to hold that it did not satisfy the requirements for an order for a recount, which the Learned Judges of the Supreme Court had insisted on. In the cases cited above.

Mr. Arun Prakash Chatterjee, learned counsel for the election petitioner, ultimately relied on the statements made in the recrimination petition of the respondent No. 2 wherein various irregularities in counting have been alleged. Learned Counsel's contention is that the respondent No. 2 himself admits that counting was not properly made. Unfortunately, for the election petitioner, in this recrimination petition, no fact has been stated which materially affects the result of the election so far as the returned candidate is concerned. On the contrary, the returned candidate complains that many of his votes were wrongfully rejected and on a recounting it would be found that he had secured a larger number of votes. On the basis of averments only in the recrimination petition, therefore, I cannot make an order for a recount in favour of the election petitioner.

In Halsbury's Laws of England, 3rd Edition, Vol. 14, at page 310, Art 559, it is stated that a recount is not granted as of right, but on evidence of good grounds for believing that there has been a mistake on the part of the returning officer. Our Supreme Court particularly in the decisions reported in AIR 1964 S.C. 249, AIR 1966 S.C. 773 and AIR 1970 S.C. 276, has laid down what a petition for a recount must contain to enable the petitioner to succeed. In the light of these principles the present petitioner is not, in my opinion, entitled to the order he has asked for.

In the result, this election petition is dismissed. The election petitioner will pay to the respondent No. 2 Rs. 750.00 as costs of this petition and will also pay to the respondent No. 1 Rs. 250.00 as costs.

(Sd.) SANKAR PRASHAD MITRA,

[No. 82/WB/HP/5/72.]

By Order,

A. N. SEN, Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 23rd June 1972

S.O. 2407.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and of all other powers enabling him in this behalf, the President, after consultation with the Comptroller and Auditor General of India in respect of persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Contributory Provident Fund Rules (India), 1962 namely:—

- (1) These rules may be called the Contributory Provident Fund (India) Amendment Rules, 1972.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Contributory Provident Fund Rules (India), 1962, in rule 37, for sub-rule (3) including the Note thereunder the following shall be substituted, namely:—

"(3) Payments of the amount withdrawn shall be made in India only. The person to whom the amounts are payable shall make their own arrangements to receive payment in India. The following procedure shall be adopted for claiming payment by a subscriber namely:—

- (i) A subscriber may submit an application to the Account Officer through the Head of the office or Department for payment of the amount in the Fund at least one year in advance of the date of superannuation. The application may be made for the amount standing to his credit in the Fund as indicated in the Accounts Statement for the year ending one year prior to his superannuation or for the amount indicated in the ledger account, in case the accounts statement has not been received.
- (ii) The Head of Office/Department shall forward the application to the Account Officer indicating the advances taken and the recoveries effected against the advances which are still current and the number of instalments yet to be recovered in respect of each advance and also indicate the withdrawals, if any, taken by the subscriber.
- (iii) The Account Officer shall after verification with the ledger account issue an authority for the amount indicated in the application at least a month before the date of superannuation but payable on the date of superannuation.
- (iv) The authority mentioned in clause (iii) will constitute the first instalment of payment. A second authority for payment will be issued as soon as possible after the superannuation. This will relate to the contribution made by the subscriber subsequent to the amount mentioned in the application submitted under clause (i) plus the refund of instalments against advances which were current at the time of the first application.
- (v) The advances/withdrawals sanctioned after the forwarding of the applications for final payment to the Account Officer should be intimated to the Account Officer immediately and acknowledgement obtained by the sanctioning authority.

NOTE.— When the amount standing to the credit of a subscriber has become payable under rule 33, 34 or 35 the Account Officer shall authorise prompt payment of the amount in the manner indicated in sub-rule (3)."

[No. 2(62)(i)-E.V.(B)/71.]

S. S. L. MALHOTRA, Under Secy.

(Department of Expenditure)

CORRIGENDA .

New Delhi, the 26th June 1972

S.O. 2408.—In the notification of the Government of India, in the Ministry of Finance (Department of Expenditure) No. 16(5)-E.IV(A)/70, dated the 15th March, 1972, published as S.O. 940 at pages 1447 to 1469 of the Gazette of India, Part II, Section 3, subsection (ii), dated the 8th April, 1972,—

- (a) at page 1447, in the preamble, for "President", read "President";
- (b) at page 1452, in rule 26,—
 - (i) in the heading, for "in Department other than", read "in Departments other than";
 - (ii) in sub-clause (ii) of clause (c) of rule 26,—
 - (1), for "had availed of extraordinary

read "had availed of leave on half-pay or extraordinary leave";

- (iii) in the Exception below sub-rule (1), for "passage", read "passages";

(c) at page 1453,—

- (i) in sub-rule (2) of rule 30, for "difference between the salary", read "difference between the leave salary";
- (ii) in clause (c) of sub-rule (1) of rule 31, for "refund the the leave salary", read "refund the leave salary";

(d) at page 1454, in rule 35,—

- (i) in the heading, for "of", read "to";
- (ii) in the opening paragraph, for "contained", read "contained";
- (iii) in sub-clause (i) of clause (a), for "calander" in the two places where it occurs, read "calendar";
- (iv) in the second proviso to sub-clause (i) of clause (a), for "rule 23" read "rule 28";

(e) at page 1455,—

- (i) in the proviso to clause (a) of rule 37, for "one-eleven-the" read "one-eleventh";
- (ii) in sub-rule (1) of rule 38, for "authority competent", read "authority competent to grant leave"; and for "proceeding", read "preceding";

(f) at page 1456,—

- (i) in sub-rule (8) of rule 39, for "sub-rule (5) regarded", read "sub-rule (5). shall be regarded";

(ii) in rule 40—

- (1) in sub-rule (1), for "immediately, before", read "immediately before";
- (2) in sub-rule (6), for "during leave, preparatory to retirement, to take up any other service or employment, under an employer other than the Central Government, his leave, salary", read "during leave preparatory to retirement, to take up any other service or employment under an employer, other than the Central Government, his leave salary";

(g) at page 1457,—

- (i) in the Note below sub-rule (1) of rule 43, for "the Em-Employees", read "the Employees".

(ii) in rule 44—

- (1) in the heading, for "inflicted", read "inflated";
- (2) in the Note below sub-rule (7), for "appointed between the Government", read "apportioned between the Governments";
- (3) in clause (b) of sub-rule (8), for "correspondence", read "corresponding";
- (4) in sub-clause (i) of clause (a) of sub-rule (9), for "disable" read "disabled";

(h) at page 1458,—

- (i) in clause (ii) of sub-rule (2) of rule 45, for "sanctioned", read "sanction";
- (ii) in clause (a) of sub-rule (2) of rule 48, for "menigitis", read "meningitis";
- (iii) in clause (a) of sub-rule (1) of rule 49, for "in Survey of India", read "in the Survey of India";

- (i) at page 1464, in Form 2,—
 (i) in the heading relating to columns 25 to 27,
 for
 “entire service
 Otherwise than on Medical Certificate
 limits to 180 days”
 read
 “entire service
 ——————
 Otherwise than on Medical Certificate
 limited to 180 days”
- (ii) in Note 2, for “entires”, read “entries”;
- (j) at page 1465,—
 (i) in Form 3, in the heading, for “recommended leave or Extension of leave or communication of leave”, read “recommended leave or extension of leave or commutation of leave”;
 (ii) in Form 4, in Note 3, for “medical opinion he required,” read “medical opinion be required.”;
 (iii) in Form 5, for “We, the member”, read “We, the members”;
- (k) at page 1466,—
 (i) in Form 5—
 (1) for “at out/my”, read “at our/my”;
 (2) for “Member of Medical Board”, read “Members of the Medical Board”;
 (3) for “Civil Surgeon/Staff Surgeon Authorised Medical Attendant Registered Medical Practitioner” read “Civil Surgeon/Staff Surgeon/Authorised Medical Attendant/ Registered Medical Practitioner”;
- (l) in Form 6—
 (1) for “NOW the”, read “NOW THE”;
 (2) for “..... failing to rejoin”, read “..... failing to rejoin”;
 (3) in the paragraph beginning with the word “PROVIDED”, for “not shall it”, read “nor shall it”;
- (l) at page 1467,—
 (i) in Form 7, in the paragraph beginning with the words “AND upon”, for “otherwise shall”, read “otherwise it shall”;
- (ii) in Form 8,—
 (1) in the opening paragraph, for “rates for for the time being” read “rates for the time being”;
 (2) in the paragraph beginning with the word “NOW”, for “deamnd” read “demand”;
- (m) at page 1468,—
 (i) in Form 9, in the paragraph beginning with the words “The bond shall”, for “Governed”, read “governed”;
 (ii) in Form 10, in the paragraph beginning with the words “And upon”, for the words “shall be valid”, read “shall be void”.

[No. 16(5)-E. IV(A)/70]
 V. K. PANDIT, Under Secy.

CORRIGENDUM

Statement of Affairs of the Reserve Bank of India as on	Page No.	Particulars			Printed as	Read as
		Liabilities	Assets			
18th Feb, 1972	2018	Other Liabilities	..	372,73,27,000	372,73,27,000	
Do.	“	..	Rupee Coin	38,27,72,000	38,27,72,000	
25th Feb, 1972	2021	Non-Scheduled State Co-operative Banks	..	81,70,000	81,78,000	
Do.	2022	..	Total	426,18,49,000	426,18,49,000	
14th April, 1972	2023	..	(i) State Govts.	51,83,44,000	51,33,44,000	

शुद्धिपत्र

भारत के राजपत्र के 3 जून 1972 के अंक के भाग II खंड 3(ii) के पृष्ठ सं. 2022-3 में प्रकाशित 25 फरवरी और 10 मार्च, 1972 के रिजर्व बैंक आफ इंडिया के बैंकिंग फ भाग के कार्यकलाप के विवरण में उक्त विवरण के आस्तियों सामने पक्ष में “सरकारी खजाना बिल” शीर्ष के सामने दी गई संख्या 6,6,46,46,000 के बदले 26,46,46,000 सख्त्या और “राज्य सरकार” शीर्ष के आस्तियों पक्ष के सामने दी गई संख्या 43,90,25,000 के बदले 43,00,25,000 सख्त्या तथा पृष्ठ 2029 पर “राज्य सरकार@” शीर्ष के प्राप्तियों पक्ष के सामने दी गई संख्या 351,27,75,000 के बदले 451,27,75,000 सख्त्या पढ़ी जाए।

MINISTRY OF COMMUNICATIONS

(P & T Board)

New Delhi, the 26th August 1972

S.O. 2409.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960 the Director General, Posts and Telegraphs, hereby specifies the 16th September, 1972 as the date on which the Measured Rate System will be introduced in Kondapalli Telephone Exchange Connected with Vijaywada Telephone System, Andhra Circle.

[No. 5-9/72PHB(15).]

A. S. VOHRA,
Assistant Director General (PIIB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 26 अगस्त 1972

नथायी आदेश सं० 2409.—नथायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय नाम नियम, 1951 के नियम 434 के खण्ड 111 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने विजयवाड़ा टर्मोफोन प्रणाली से जुड़े हुए आनन्द सर्कल के कोंडापल्ली टर्मोफोन केन्द्र में दिनांक 16-9-72 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[प० 5-9/72-PHB (15)]

ए० प० ए० वोरा,

मन्त्रालयक महानिदेशक (पी० पान० वो०)

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 21st August 1972

S.O. 2410.—Whereas by the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 1159, dated the 11th February, 1972, the Central Government had declared the iron ore mining industry to be a public utility service for the purpose of the Industrial Disputes Act, 1947 (14 of 1947) for a period of six months from the 4th March, 1972;

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declared the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 4th September, 1972.

[No. F. S. 11025/5/72-LR.I.]

S. S. SAHASRANAMAN, Under Secy.

श्रम और पुनर्वासि मंत्रालय

(श्रम और रोजगार विभाग)

नई दिल्ली, 21 अगस्त, 1972

का० आ० 2410.—अतः भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिमूच्चना संख्या

का० आ० 1159 तारीख, 11 फरवरी, 1972 द्वारा केन्द्रीय सरकार ने नोहा प्रयस्क इनन उद्योग को श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) के प्रयोजनों के लिए 4 मार्च 1972 से छः मास की कालावधि के लिए नोक उपयोगी भेवा घोषित किया था।

और यह: केन्द्रीय सरकार की गय है कि उक्त कालावधि का और आगे छः मास की कालावधि के लिए बढ़ाया जाना नोक हित में अपेक्षित है।

अतः, श्रब, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ठ) के उप-खण्ड (6) के परम्परु द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एवं द्वारा उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 4 सितम्बर 1972 से और आगे छः मास की कालावधि के लिए नोक उपयोगी भेवा घोषित करती है।

[सं० प० 11025/5/72-प० शा०-१]

प० प० प० सहस्रनामत, श्रवर सचिव।

(Department of Labour and Employment)

New Delhi, the 23rd August 1972

S.O. 2411.—In pursuance of section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Bombay in the industrial dispute between the employers in relation to the management of Messrs V. M. Salgaocar and Brothers Private Limited, Vasco-de-gama, and their workmen, which was received by the Central Government on the 17th August, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.

REFERENCE NO. CGIT-2/5 of 1971.

Employers in relation to the management of Messrs V. M. Salgaocar and Brothers Private Limited, Vasco-de-gama, Goa,

AND

Their workmen.

PRESENT:

Shri N. K. Vani, Presiding Officer.

APPEARANCES:

For the Employees.—Shri L. R. Ferrao, Personnel Officer.

For the Workman.—Shri George Vaz, General Secretary, Goa Mining Labour Welfare Union, Goa.

INDUSTRY: Iron Ore Mines.

STATE: Goa, Daman and Diu.

Bombay, dated the 1st August, 1972.

AWARD

By order No. L-29012/23/71-LR.IV dated 10th September, 1971 the Central Government in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of Messrs V. N. Salgaocar and Brother Pvt.

Ltd. and their workman in respect of the matters specified in the Schedule as mentioned below:—

"SCHEDULE

Whether the action of the management of Messrs. V. M. Salgaocar and Brother Pvt. Ltd. in terminating the services of Shri Jaiwant N. Naik, Construction Supervisor, Surla Mines with effect from 19th December, 1970 is justified? If not, to what relief is he entitled?"

2. The facts giving rise to this reference are as follows:—

- (i) Shri Jaiwant N. Naik was appointed on 11th June, 1968 in the construction Section of M/s. V. M. Salgaocar and Brother Pvt. Ltd. as supervisor on a pay of Rs. 285/- consolidated. In July, 1969 he was transferred to Surla Civil Construction. While he was working there Senior Executive Engineer directed him to do the work of alignment of steps before his next visit to the site i.e. 13th October, 1970. As he failed to execute this work within the prescribed time departmental enquiry was held against him and his services were terminated. He therefore raised an industrial dispute.
- (ii) Ass'tt. Labour Commissioner (C), Vasco-de-Gama tried to bring about conciliation but in vain. He therefore submitted his failure of conciliation report to the Government which referred this dispute to this Tribunal for adjudication.
3. On the receipt of the reference notices were issued to the parties. In pursuance of the notice both the parties appeared and filed their written statements.
4. Shri Jaiwant N. Naik has filed his written statement at Ex. 1/W on 27th December, 1971.

5. According to him,

- (i) He was engaged in the Civil Construction as a Construction Supervisor in June, 1968. He was then transferred to Surla Mines in the same capacity. As he was transferred to mines he was granted a new wage scale as per the Central Wage Board for Iron Ore Mining Industry on a Basic salary of Rs. 235/- D.A. of Rs. 60/- and V.D.A. as admissible on the wage board Grade Rs. 215/10-285-15-330. He was under the Mines Regulations after being transferred to the mines to work in the Civil Construction works at Surla Mines, Velguam Mines, Pali Mines and Vagao Screening Plant in the Mining Industry of the company.
- (ii) He had to work under the directions of the Senior Executive Engineer Shri U. J. Counto and the Site Engineer Shri P. S. Angle who superseded Shri S. V. Kumar.
- (iii) Senior Executive Engineer had given him the job of alignment of the steps at Vagao Screening Plant. He could not do this job as urgent work was assigned to him by the Site Engineer Shri P. S. Angle. As he could not do the work before the prescribed period show cause notice was served on him. He submitted his explanation regarding show cause notice. In spite of his explanation enquiry was held against him and his services were terminated.
- (iv) Termination of his service is *mala-fide*, illegal, in violation of the principles of natural justice and the company's Standing Orders which are binding on the management. As his services were terminated without sufficient reason and with a view to harass and victimise him, his termination be set aside and he be reinstated in service with full back

wages and continuity of service and other benefits.

6. M/s. V. M. Salgaocar and Brother Pvt. Ltd. (hereinafter referred to as the "the company") has filed written statement at Ex. 2/E.

7. According to the Company,

- (i) The reference is not competent. It is bad in law. The Central Government is not the appropriate Government in terms of Section 2(a)(ii) of the I.D. Act, 1947.
- (ii) Shri Jaiwant Naik was engaged as construction Supervisor, at the material time, in the Civil Construction Works, Surla. Civil Construction Works, Surla is a distinct unit by itself and not a part of Surla Mine. As he was employed in Civil Construction work, he cannot be considered a person employed in a mine as defined in Section 2(1)(j) of the Mines Act, 1952.
- (iii) As he was not an employee of a mine, the appropriate Government in respect of any dispute between him and the company will only be the State Government and not the Central Government. As the present reference is made by the Central Govt., this Tribunal has no jurisdiction to entertain in the same.
- (iv) Shri Naik was issued with a charge-sheet. He was given opportunity to answer the charges levelled against him. After receiving explanations from Shri Naik and having found that the same was not satisfactory, the company proceeded with the Departmental enquiry into the charges levelled against him. In that enquiry Shri P. S. Pai, Angle, Shri U. J. Counto and Shri A. A. Fernandes were the witnesses of the company.
- (v) Shri Naik fully participated in the enquiry, led his defence and also cross-examined the witnesses of the company. The enquiry officer submitted his findings, holding Shri Naik guilty of the misconduct levelled against him.
- (vi) The company would have dismissed Shri Naik without notice on the basis of the findings of the Enquiry officer, but it took a lenient view and only discharged him from service. In doing so no principles of natural justice have been violated by the company. Shri Naik's dismissal is not *mala-fide* and illegal and inconsistent with the Standing Orders of the company. As his dismissal is justified he is not entitled for reinstatement with full back wages and continuity of service and compensation.

8. The affected workman Shri Naik has filed rejoinder at Ex. 17/W.

9. According to him,

- (i) He is a mine worker.
- (ii) The company had not raised the objection regarding jurisdiction before the Assistant Labour Commissioner (C) Vasco-de-gama. There is no substance in the preliminary objection on point of jurisdiction. As his termination is *mala-fide* in violation of company's standing and with a view to victimise him the same be set aside with full back wages and continuity of service.

10. Shri Jaiwant N. Naik has examined himself at Ex. 3/W. He has produced leave pass, show cause notice (Ex. 4/W), Enquiry notice Ex. 5/W and termination notice at Ex. 6/W.

11. The company has examined Civil Engineer, Shri U. J. Counto at Ex. 12/E, Driver Shri F. Coutinho, at Ex. 13/E, Typist Clerk Shri A. A. Fernandes at Ex. 14/E and the Engineer in charge Shri P. S. Pai Angle at Ex. 15/E. The enquiry proceedings have been produced at Ex. 18/E and some other documents.

12. From the pleadings and documents on record the following points arise for decision in this reference.

- (i) Whether Shri Jaiwant N. Naik was a mine worker?
- (ii) Whether the Central Government is the appropriate authority to refer this dispute to this Tribunal?
- (iii) Whether this Tribunal has jurisdiction to entertain this reference?
- (iv) Whether the termination of service of Shri Jaiwant N. Naik by the management is proper?
- (v) What Order?

13. My findings are as follows:—

- (i) No.
- (ii) No.
- (iii) No.
- (iv) No finding is recorded.
- (v) As per order.

Reasons

Point No. (i)

14. From the written statement Ex. 1/W filed by Shri Jaiwant N. Naik it is clear that he was engaged in Civil Construction work of the company as Construction Supervisor in June, 1968 and that he was transferred to Surla Mine in the same capacity in July, 1969. There can be therefore no doubt that he was employed as Construction Supervisor and that he was transferred to Surla as Construction Supervisor.

15. Shri Vaz for the affected workman contends that the work which Shri Naik was doing was connected with mine and that on account of this he is a mine worker. This contention cannot be accepted.

16. Definition of a person, who is said to be employed in a mine is given in Section 2(1)(h) of the Mines Act, 1952. It is as follows:—

"A person is said to be 'employed in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations."

17. In the present case Shri Naik would be a person employed in a mine, if he was doing the work connected with mining operations. It cannot be said by any stretch of imagination that Civil Construction work, which Shri Naik was doing was in any way connected with mining operation. On his own admission he works as Construction Supervisor at various places.

18. Shri Vaz for the affected workman contends that inasmuch as the company had not contended before the Assistant Labour Commissioner (C), Vasco-de-Gama that the applicant was not a person employed in a mine and inasmuch as the company allowed the conciliation proceedings to proceed further and make failure of conciliation report, it is not open to the company to raise this contention for the first time in this reference.

19. It is true that the management does not appear to have taken a stand before the conciliation officer that the applicant was not employed in the mine and that the company is taking this contention for the first time in this reference before me. As this contention involves law point and as both the parties have adduced evidence on this point, I allow the same to be raised and consider the same.

20. Civil Construction department is a separate department. It is distinct and separate from the mining department. The affected workman had to work under directions of Senior Executive Engineer Shri U. J. Counto and the Site Engineer Shri P. S. Angle. He had no concern with the mines. It cannot be therefore said that he was working in a mine and that he was a mine worker.

21. It is contended that the benefits of Central Wage Board for Iron Ore Mining Industry were extended to the employees working in Civil Construction department at Surla but the same were not extended to the employees working in the Head office and that on account of this the employees working in Surla Civil Construction are said to be mine workers. This contention is difficult to accept.

22. It may be that some additional benefits might have been extended to employees working in Civil Construction work at Surla for certain reasons, in the discretion of the company. It cannot be conclusively said that the employees at Surla Civil Construction work are also mine workers simply because they are given the benefit of the Wage Board recommendations and because these benefits are not given to the employees working in the Head Office of the Civil Construction work.

23. Shri F. Countinho, Ex. 13/E, who works at Surla Civil Construction work as a Driver says in his evidence that he is getting the pay as per the recommendations of the Central Wage Board for Iron Ore Industry though he is not working on mines.

24. Shri A. A. Fernandes, Ex. 14/E, is working at Surla Civil Construction work since May, 1966. He also says that he is not a mine worker, though he is getting the benefits of Central Wage Board for Iron Ore Industry recommendations.

25. The above mentioned two witnesses are the colleagues of Shri Naik and working in the same establishment. Their evidence clearly show that all employees working in Surla Civil Construction department are not mine workers, though they are getting the benefits of Wage Board recommendations.

26. From the evidence of Shri Naik, Ex. 3/W and the Company's witnesses Shri U. J. Counto Ex. 12/E, Shri F. Countinho, Ex. 13/E, Shri A. A. Fernandes, Ex. 14/E, and Shri P. S. Pai Angle, Ex. 15/E it does not appear to me that the applicant is doing any kind of work which is connected with the mine and that he is a mine worker. Hence my finding on point No. 1 is in the negative.

Point Nos. (ii) and (iii)

27. The company contends that the Central Government is not the appropriate Government within the meaning of Section 2(a)(i) of the Industrial Disputes Act, 1947 in this case and that it is not competent to refer the present dispute regarding termination of services of Shri Jaiwant N. Naik to this Tribunal and that this Tribunal has no jurisdiction to entertain this reference.

28. If the dispute relates to a mine, the Central Government would be the appropriate Government to refer such dispute to the Tribunal. In the present case the affected workman Shri Naik is not a worker working in a mine. Hence the dispute between him and the company regarding his termination of service cannot be referred for adjudication by the Central

Government. This Tribunal has therefore no jurisdiction to entertain the present reference. Hence my finding on point Nos. (ii) and (iii) are as above.

Point No. (iv)

29. In view of the finding regarding jurisdiction against the affected workman, it is not necessary to consider this dispute on merit. Hence no finding is recorded on point No. iv.

Point No. (v)

30. In view of the above findings I pass the following order:—

ORDER

(i) It is hereby declared that this Tribunal has no jurisdiction to entertain this reference.

(ii) Award is made accordingly.

(iii) No order as to costs.

(Sd.) N. K. VANI,
Presiding Officer

[No. L-29012/23/71-LR-IV.]

New Delhi, the 24th August 1972

S.O. 2412.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the management of Ningha Colliery of Messrs Lodna Colliery Company (1920) Limited, Post Office Kalipahari, District Burdwan and their workmen, which was received by the Central Government on the 21st August, 1972.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA**
REFERENCE No. 105 OF 1971

PARTIES:

Employers in relation to the management of Ningha Colliery of Messrs Lodna Colliery Company (1920) Limited,

AND
Their workmen

PRESENT:

Sri S. N. Bagchi, Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri D. Basu Thakur, Advocate.

On behalf of Workmen—Sri Sunil Majumdar, General Secretary, Ningha Colliery Mazdoor Union.

STATE: West Bengal

INDUSTRY: Coal Mine.

AWARD

By Order No. L/1912/125/71-LRII, dated 7th October, 1971, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following dispute existing between the employers in relation to the management of Ningha Colliery of Messrs Lodna Colliery Company (1920) Limited and their workmen, to this Tribunal, for adjudication, namely:

"Whether the management of Ningha Colliery of Messrs Lodna Colliery Company (1920) Limited, Post Office Kalipahari, District Burdwan, was justified in placing Sarvashri Rasid Ali and Banka Kora, Coal Cutting Machine Drivers in Category-V as per the recommendations of the Wage Board for Coal Mining Industry? If not, to what relief the workmen are entitled and from what date?"

2. Notices of the reference were duly served on both the management and the union espousing the cause of the workmen. On 12th January, 1971 the management filed its written statement and on 4th March, 1972 the workmen's written statement was filed by the union.

3. The management stated in paragraph 1(a) of its statement of case that a dispute similar to that raised in terms of the reference was referred to this tribunal being Reference No. 26 of 1971, and an award was rendered on that Reference on 6th May, 1971 and that award is binding for one year. The Union, Ningha Colliery Mazdoor Union, does not represent the majority of the workmen of the colliery. On 21st December, 1970 and 3rd February 1970 there were settlements, as per Annexure A and A1 to the written statement, arrived at between the management and the two unions are still in force. The recommendations of the Wage Board are not binding. Coal Mines Regulation, 1957 makes it mandatory *vide* Regulation No. 186(2) read with Regulation No. 144 that no person shall be appointed to supervise or operate any electrical machinery, apparatus or appliance other than a telephone or signalling device or any electric lamp or light unless he holds a gas testing certificate. Neither Sri Rasid Ali nor Sri Banka Kora has got gas testing certificate and as such in terms of the Coal Mines Regulation neither of them is entitled to be placed in Category VI of the Wage Board recommendations. Referring to article 52, Volume I, page 118 of the Coal Wage Board recommendations, the company states that in fixing the wages of certain workmen the Board observed that as it was necessary to have gas testing certificate for certain categories of workmen, they had taken into account all those facts in fixing their wages and as such has not allowed any separate Gas Testing allowance. The article 52 is quoted as follows:

"52. The demand is for a special allowance to those who obtain the gas testing certificates. It was, however, pointed out at the hearing that the possession of a gas testing certificate for certain categories of workmen is now a condition of service under the amended Coal Mines Regulations. In view of this, while fixing wage rates for workmen who are statutorily required to possess gas testing certificates, we have taken this into account. In the circumstances, the question of a separate allowance on this account does not arise."

Though Mazumdar award categorised coal cutting machine drivers as category VII and VIII, there being little difference of pay between two categories, the former Rs. 1.87 and the latter Rs. 2.25, the company, to preserve better relations placed all coal cutting machine drivers in category VIII in the colliery although the workmen Rasid Ali and Banka Kora as per job description should have been placed in category VII. In reference No. 26 of 1971 the union Ningha Colliery Mazdoor Union raised a dispute for placing Rasid Ali, Rajoo Mia, Mahadeo Gowala and Banka Kora in Category VI. As both Rajoo Mia and Mahadeo Gowala passed Gas Testing examination and obtained Gas Testing Certificates, they were placed in category VI as per settlement dated 3rd February 1970, marked Annexure A1 filed along with the written statement. Ningha Colliery Mazdoor Union by its letter dated 12th May, 1971 also raised a dispute for wages of Rajoo Mia and Mahadeo Gowala with retrospective effect from the date of implementation of the Wage Board recommendations which was the subject matter of conciliation along with the dispute of Rasid Ali and Banka Kora. The Assistant Labour Commissioner Central, Asansol accepted company's submission that only those coal cutting machine drivers who will obtain Gas testing certificate will be placed in category VI as per settlement as in Annexure A1 to the written statement. The union's letter dated 12th May, 1971 is filed along with the written statement and marked Annexure B. The management's action in placing Rasid Ali and Banka Kora in category V, as neither of them obtained Gas Testing certificate, was justified and the demand of the union should be rejected.

4. The union in its written statement asserted in paragraph 2 that both the workmen were rightly placed in category BIII of the Majumdar award but they were unlawfully denied category VI of the Coal Wage Board recommendations by the management. As regards the Reference No 26 of 1971, the union states that the union had withdrawn the dispute under reference when it found some fundamental mistake that was clarified in the award. In paragraph 8 of its written statement the union asserts that the Settlement dated 3rd February, 1970 with Colliery Mazdoor Sabha, CITU was something like contracting out not to demand their just dues and the Colliery Mazdoor Sabha was not entitled to represent the dispute of the workmen who were not its members. It is further asserted that when the present dispute under reference was pending before the Central Industrial Relations Machinery vide Assistant Labour Commissioner, Central, Asansol's file No. E.2/3(126)/68 dated 1st July, 1968, the Colliery Mazdoor Sabha could not lawfully represent the workmen involved in the dispute as that union was not authorised in writing by the workmen concerned. The union's letter dt. 12th May, 1971 to the Agent of the colliery with a request to make payment of the difference of wages to the two workmen was neither replied nor conceded to. The management did not agree to place the two workmen in proper category as per recommendations of the Central Wage Board for Coal Mining Industry in spite of best effort of the Assistant Labour Commissioner, Central, Asansol whereupon the conciliation proceeding ended in a failure. Claiming that the workmen are entitled to be placed in Category VI of the Coal Wage Board recommendations with effect from 15th August, 1967, the union prays that the refusal of the employer to put the workmen in Category VI with effect from 15th August, 1967 was to be declared illegal and unjustified and that the workmen should be placed in Category VI with effect from 15th August, 1967 as recommended by the Central Wage Board for Coal Mining Industry and that the workmen should be paid difference of wages, allowance and other amenities with retrospective effect from 15th August, 1967 and any other relief or reliefs the workmen are entitled to.

5. The learned Advocate for the management and the General Secretary of the Union Sri Mazumdar opened their respective cases. The management's learned Advocate submitted at the opening that workman Rasid Ali passed the Gas Testing certificate on 27th October, 1971 during the pendency of this reference (dated 7th October, 1971) and that he had been placed in Category VI of the Coal Wage Board recommendations on and from 10th January, 1972 so soon as he informed the fact to the management and satisfied the authorities of the management about his passing of Gas testing and holding of the gas testing certificate and that the other workman Banka Kora had not even now passed the Gas Testing certificate and as such he had been placed in Category V of the Coal Wage Board recommendations but not in Category VI. Neither party adduced any evidence. For the management the learned Advocate advanced his argument on materials on record, so also the General Secretary of the Union.

6. In Reference No. 26 of 1971 an award was rendered on 6th May, 1971. In that award it was found that the union did raise the dispute before the management but went straight to the Conciliation officer with the dispute wherefor the said industrial dispute referred to for adjudication fell within the mischief of Sindhu Resettlement Corporation Ltd. and Industrial Tribunal, Gujarat, 1968 I LLJ p. 834. The Union thereupon filed an application praying for withdrawal of the dispute with a prayer to raise the self-same dispute in a regular manner. The prayer was allowed with the reservation that nothing in the order should prevent the workmen from raising the identical dispute in future if they so like. So, the union was required to raise a dispute first before the management over the matter that was included in the Reference No. 26 of 1971 in which award was rendered on 6th May, 1971.

7. In paragraph 5 of the written statement of the Company the union's letter dated 12th May, 1971, Annexure B, has been referred to and in that connection it is stated that the union raised the dispute for wages of Rajoo Mia and Mahadeo Gowala with retrospective effect from the date of implementation of Wage Board recommendations and was the subject matter of conciliation along with the dispute of Rasid Ali and Banka Kora. That dispute being in Assistant Labour Commissioner file case No. E.2/3(208)/71 ended in a failure wherefor the Central Government has made this reference relating to the workmen. Therefore, this dispute which is an industrial dispute under Section 2(k) apparently evades the mischief of Sindhu Resettlement Corporation case referred to above.

8. In paragraph 1(b) of its written statement the management asserts that Ningha Colliery Mazdoor Union does not represent the majority of the workmen of the colliery. That paragraph has not been traversed by the union in its written statement. Be that as it may if it is the union of which workmen members are minority compared to the workmen members of any other union, it has still a locus standi to raise a dispute.

9. In paragraph 1(c) of its written statement the management referred to two settlements dated 21st December 1970 and 3rd February, 1970, Annexures A and A1 and claims that those settlements are still binding wherefor there cannot be any reference under Section 10 of the Industrial Disputes Act. In replying to that paragraph of the written statement of the management, the union in paragraph 8 of its written statement states that the settlement dated 3rd February, 1970 with the Colliery Mazdoor Sabha (C.I.T.U.) is something like contracting out not to demand their just dues. This Colliery Mazdoor Sabha cannot represent the dispute of those workmen who are not its members and specially this dispute (meaning the dispute under reference) pending before the Central Industrial Machinery vide Assistant Labour Commissioner, Central, Asansol's file No. E.2/3/(126)/68 dated 1st July, 1968 cannot be represented by any union unless it is authorised in writing by the workmen concerned. Now, Annexure A to the written statement of the company is the memorandum of a settlement arrived at between the management of Sripur 4, 5 and 6 Pits colliery (Ningha colliery), Sripur colliery, Rana Colliery and Sripur Seam Incline Colliery of M/s Srs Lodna Colliery Co. (1920) Limited and their workmen represented by the Colliery Mazdoor Congress (H.M.S.), Asansol, during the course of mutual discussions held between the parties at Asansol on the 21st December 1970. Annexure A relates to a dispute raised by the Colliery Mazdoor Congress (HMS), Asansol between the management of the collieries mentioned above and their workmen demanding grant of third annual increment, payment of arrears of annual increments, payment of V.D.A. in accordance with the recommendations of the Central Wage Board for the Coal Mining Industry, 23 per cent increase in the rates of commission of the trammers sirdars etc., that was referred to the Regional Labour Commissioner (C), Asansol for conciliation. The conciliation proceeding was initiated from 14th December 1970 and had been adjourned at the request of both the parties. In course of mutual discussion held between the representatives of both the parties on 21st December, 1970 that industrial dispute was amicably settled between them on certain terms, paragraph 4 of Annexure A reads as follows:

"It is agreed that the demands regarding payment of lead, empty tub pushing as per actual measurement, increase in the rate of wages of the trammers, revision in the commission of wagon loading sirdars, payment fall back wages to the loaders, categorisation of some of the time-rated workmen and promotion of basket counters shall be mutually discussed between the parties at a later date."

Paragraph 5 says, "The Union did not press the demand regarding permanency of loaders, wagon

loaders and chaprasis for the present". This settlement was signed by the parties on 21st December, 1971. Annexure A. It does not concern the present dispute relating to the categorisation of the two workmen Rasid Ali and Banka Kora in category VI of the Wage Board recommendations. Annexure A1 is the settlement arrived at between the management of Sripur Colliery, Rana Colliery, Ningha Colliery and Sripur Seam Incline Colliery of Messrs Lodna Colliery Co. (1920) Ltd. and their workmen represented by the Colliery Mazdoor Sabha (AITUC), Raniganj during mutual discussion held on 3rd February, 1970. The Colliery Mazdoor Sabha (AITUC) Raniganj had been pressing for certain demands with regard to the wagon loaders, loaders, clumpman, line mistries and Machine drivers of Sripur, Ningha, Rana and Sripur Seam Incline collieries. The matter was discussed between the representatives of the management and the union in several meetings and on 3rd February, 1970 the dispute was amicably settled between the parties on several terms. Clause 5 of the terms reads as follows:

"5 Machine Drivers.—The question of upgrading Machine Drivers to Category VI was fully discussed. Since Category VI was for highly skilled machine drivers and since one of the statutory requirement was their holding of gas testing certificates, it was decided that those machine drivers who would produce valid gas testing certificates would be promoted to Category VI.

In case of other machine drivers, management agreed to give them one extra increment."

This Settlement, Annexure A1, to the management's written statement was arrived at between the management and the union officials on 3rd February, 1970. The Ningha Colliery Mazdoor Union in paragraph 8 of the written statement asserts that the Settlement dated 3rd February, 1970 with Colliery Mazdoor Congress, C.I.T.U., is something like contracting out not to demand their just dues. Firstly, on 3rd February, 1970 there was no Colliery Mazdoor Sabha affiliated to C.I.T.U., but it was Colliery Mazdoor Sabha affiliated to A.I.T.U.C. The Colliery Mazdoor Sabha, A.I.T.U.C. raised the dispute regarding all workmen of several categories including Machine drivers of Ningha colliery and other collieries. In paragraph 8 of its written statement the union states, "This Colliery Mazdoor Sabha cannot represent the dispute of those workmen who are not its members and specially this dispute pending before the Central Industrial Relation Machinery". Besides the two workmen there are other workmen in all those collieries mentioned in the Settlement, Annexure A1, who are working as machine drivers. So, the settlement in Annexure A1 relates not only to the workmen who are members of the Colliery Mazdoor Sabha, AITUC but also to members and non members of the said union. The Settlement, Annexure A1, relates all machine drivers working in the collieries such as Sripur colliery, Ningha Colliery, Sripur Seam Incline colliery of Messrs Lodna Colliery Co. (1920) Limited and their workmen represented by the Colliery Mazdoor Sabha, AITUC, Raniganj. The settlement was arrived at on 3rd February, 1970. So, the union's objection that the two workmen were not members of Colliery Mazdoor Sabha when the settlement was arrived at as per Annexure A1 on 3rd February, 1970 does not appear to be sound in law. Now, the union in paragraph 8 asserted that when the present dispute was pending before the Central Industrial Relation Machinery *vive* Assistant Labour Commissioner, Central, Asansol. File No. E.2/3(126)/168 dated 1st July, 1968, the Colliery Mazdoor Sabha, C.I.T.U. was not entitled to represent in the mutual discussion between the management and the union over the present dispute without authorisation by the union meaning the Ningha Colliery Mazdoor Union. Sri Mazumdar for the union was asked to substantiate the statement and was asked to explain how the present dispute could be pending before the Assistant Commissioner of Labour, Central, Asansol in his file No. E.2/3(126)/68 dated 1st July,

1968 when the present dispute before the Assistant Labour Commissioner, Central, Asansol was the subject matter of conciliation in the Assistant Labour Commissioner's file No. E.2/3(209)/71 dated 31st August, 1971. Sri Majumdar was taken aback. The failure report signed by the Assistant Labour Commissioner, Central along with the present reference was shown to Sri Majumdar wherein it is stated that the present dispute before the Conciliation Officer was numbered in his file as E.2/3(208)/71 which failed conciliation on 31st August, 1971 and this dispute has therefore no connection with the dispute that was pending before the Assistant Labour Commissioner, Central, Asansol in its file E.2/3(126)/68 dated 1st July, 1968. Sri Majumdar could not explain the situation. So, he had to admit that the present dispute under reference was pending before the Assistant Labour Commissioner, Central Asansol in its case file No. E.2/3(208)/71 but not in his case file No. E.2/3(126)/68 dated 1st July, 1968. So the dispute that was pending in the Assistant Labour Commissioner's file No. E.2/3(126)/68 dated 1st July, 1968 may be some dispute other than the present dispute under reference which before the Assistant Labour Commissioner, Asansol, was attempted to be conciliated upon in his case file No. E.2/3(208)/71. The failure report would show that the Ningha Colliery Mazdoor Union (Ind.) raised the industrial dispute under reference by its letter No. 54(7)/71 dated 26th July, 1971 which was received by the Conciliation Officer on 28th July, 1971 and the conciliation proceeding started on and from 25th August, 1971. So, the settlement Annexure A1 dated 3rd February, 1970 was arrived at between the management of the collieries concerned and the Union, Colliery Mazdoor Sabha, A.I.T.U.C., at a time when the present dispute was not pending conciliation before the Assistant Labour Commissioner Asansol, in his file No. E.2/3(208)/71 which resulted in failure of conciliation on 31st August, 1971. On a reference to the file of the Reference case No. 26 of 1971 it is found but the Ningha Colliery Mazdoor Union (UTUC) raised previous industrial dispute regarding the two workmen who are now involved in the present dispute under reference, by its letter dated 19th October, 1970 which was taken up for conciliation by the Assistant Labour Commissioner, Central, Asansol in its file No. E.2/3(309)/70 in which the failure report was sent to the Central Government on 19th November, 1970. The settlement dated 3rd February, 1970 between the management and the union, Colliery Mazdoor Sabha, AITUC, had been effected long before 19th October, 1970. This dispute raised by the Ningha Colliery Mazdoor Union in the conciliation Case No. E.2/3(309)/70 before the Assistant Labour Commissioner, Central, Asansol related to the wrong categorisation of the two workmen, Rasid Ali and Banka Kora and other two workmen Raju Mia and Mahadeo Gowala, coal cutting machine drivers. That conciliation proceeding ended in failure whereupon there was a reference which was registered as Reference Case No. 26 of 1971 in which an award was rendered by this Tribunal recording withdrawal of the dispute by the union. Therefore, the Annexure A1, the settlement dated 3rd February 1970 was arrived at at a time when there was no conciliation proceeding pending regarding the subject matter of the dispute now under reference before any Central Conciliation officer having jurisdiction to entertain the dispute. So, the objection in paragraph 8 of the union about the settlement, Annexure A1 dated 3rd February, 1970 as mentioned above, does not stand the test of scrutiny. The settlement Annexure A1 is dated 3rd February, 1970. The dispute was amicably settled on 3rd February, 1970. It is not stated in the settlement Annexure A1 as to when it will come into operation. There is no clause in the settlement Annexure A1, as to the agreed period for which the settlement would be binding. Therefore, Section 19(2) of the Industrial Disputes Act, 1947 should be decisive about the continuance of the binding effect on the parties to the settlement after expiry of the period of six months from the date of the settlement. As there is no period fixed, the settlement Annexure A1 it was to continue upto 2nd August, 1970 and thereafter until the expiry of two

months from the date on which a notice in writing of an intention of terminating the settlement is given by one of the parties to the other party or parties to the settlement. The union, that means the Ningha Colliery Mazdoor Union nowhere stated in its written statement that after the expiry of the terms of the settlement i.e. 2nd August 1970 any of the parties to the settlement gave notice in writing of an intention to terminate the settlement. Sri Majumdar for the union, Ningha Colliery Mazdoor Union, had not attacked the settlement, Annexure A1, on the score that after the expiry of the term of the settlement i.e. 2nd August, 1970, any of the parties to the settlement gave a notice in writing of an intention to terminate the settlement to the other. On the other hand, the management asserted in paragraph 1(c) that the statement, Annexure A1, was binding on the parties wherefor there could not be any reference under Section 10 of the Industrial Disputes Act. So, clause 5 of the settlement dated 3rd February, 1970, Annexure A1, relating to machine drivers of Ningha colliery was binding on the two workmen and the management when on 12th May, 1971 the Ningha Colliery Mazdoor Union by its letter to the management made the demand which was not, according to the union, conceded to by the management wherefor the union raised the dispute before the Assistant Labour Commissioner Asansol who in its File No. E.2/3(209)/71 took up the present dispute under reference for conciliation. Ningha Colliery Mazdoor Union was not a party to the Settlement, Annexure A1.

10. In reply to the management's assertion in paragraph 1(b) of its written statement that the Ningha Colliery Mazdoor Union did not represent the majority of the workmen of the colliery, the said union made no counter statement in its written statement. Therefore, it is admitted as it has not been specifically denied by the Ningha Colliery Mazdoor Union that it does not represent the majority of the workmen of Ningha Colliery. If that be the position, the Colliery Mazdoor Sabha, A.I.T.U.C., representing the workmen of all categories in several collieries of the Lodhra Colliery Co. (1920) Ltd. mentioned in Annexure A1 had the *Locus standi* to enter into the settlement on 3rd February, 1970 which must be still binding on all the workmen as categorised in the settlement including coal cutting machine drivers of Ningha Colliery. Therefore, when Ningha Colliery Mazdoor union raised the present dispute before the Assistant Labour Commissioner, Central, Asansol, it had no jurisdiction to enter into the conciliation proceedings, and the union had no locus standi to represent the workmen in the conciliation proceedings when Settlement, Annexure A1, was in operation and binding on the two workmen to whose categorisation the present dispute under reference relates.

11. The fundamental question in the reference is whether the management is justified in not placing the two workmen in Category VI of the Central Wage Board recommendations. For the management it was submitted that the Coal Wage Board at page 118, Volume I, Article 52, considered the question of gas testing allowance. Those who obtained the gas testing certificate demanded special allowance before the Coal Wage Board. The Coal Wage Board observed that the possession of a gas testing certificate for certain categories of workmen is a condition of service under the Coal Mines Regulation. So, in article 52 of its Report, page 118, Volume I, the Coal Wage Board observed, "In view of this while fixing wage rates for workmen who are statutorily required to possess gas testing certificate we have taken into account. In the circumstances, the question of a separate allowance on this account does not arise". So, the gas testing certificate being a condition of service any workman holding gas testing certificate is eligible to be fixed at the wage rate higher than those not holding gas testing certificate. Instead of allowing gas testing allowance to the holder of a gas testing certificate the Coal Wage Board recommended for him a wage rate higher than the one not holding a gas testing certificate. This is the meaning of article 52 of the recommendations at page 118, Volume I of the Coal Wage

Board recommendations. Majumdar award at page 93, Volume II while giving job description of coal cutting machine drivers made two categories, Category VII working a long wall or short wall coal cutting machine in non-gassy mines and Category VIII coal cutting machine driver, working a short wall or long wall coal cutting machine in gassy mines. According to Majumdar award management of Ningha colliery which is a gassy mine placed the two workmen in category VIII although neither of the two workmen had at that time gas testing certificate. The management's case is that as Category VIII coal cutting machine drivers get higher pay than category VII of Majumdar award, the management in spite of the two workmen's not holding gas testing certificates placed them in category VIII of the Majumdar award. Naturally when the recommendations of the Central Wage Board for Coal Mining Industry came to be implemented in the Ningha colliery the union through its General Secretary Sri Majumdar as well as in its written statement paragraph 3 referring to page 51 Volume II of the Coal Wage Board recommendations pinned the case of the two workmen to clause 7 regarding coal cutting machine drivers which reads as follows: "... Those who are in the existing Category VII will be placed in the New Category V (Serial No. 7) and those who are in the existing Categories VIII and IX will be placed in the new Category VI (Serial No. 1)". Accordingly for two workmen Sri Majumdar claimed that they should be placed in Category VI of the Coal Wage Board recommendations, although they had been placed in category V. Now, Coal Mines Regulation, 1957 as amended was referred to in article 52 page 118, Volume I of the Coal Wage Board recommendations. Coal Mines Regulations, 1957, paragraph 186, sub-paragraph (2) reads as follows:

"(2) In every mine to which regulation 144 applies, no person shall be appointed to supervise or operate any electrical machinery, apparatus or appliance other than a telephone or signalling device or an electric lamp or light, unless he holds a Gas testing Certificate"

Sub-paragraph (2) clearly says that none shall be allowed to operate any electrical machine in a gassy mine unless he holds a gas testing certificate. Sri Basu Thakur, learned Advocate for the management, submitted that the Coal cutting machine was a electrically driven machine and that the Ningha colliery admittedly was a gassy mine. Sub-paragraph (2) of paragraph 186 of the Coal Mine Regulations, 1957 says that electrically operated machine such as coal cutting machine cannot be driven by a person in a gassy mine unless he holds a gas testing certificate. He referred to article 52, Volume I, page 118 of the Coal Wage Board recommendations. The Coal Wage Board took into consideration article 186 sub-article (2) of the Coal Mine Regulation while denying gas allowance and recommending higher wages to those who are to obtain the gas testing certificate. Sri Majumdar would not consider paragraph 186 sub-paragraph (2) of the Coal Mine Regulations, 1957 as governing article 52 of the recommendations of the Coal Mining Industry, Volume I, page 118. He referred to me para 36 of the Coal Mines Regulations which relates to appointment of officials and competent persons and submitted that although the two workmen did not hold gas testing certificates, they had been placed in category VIII according to Majumdar award and that they were to be fixed in category VI of the Coal Wage Board recommendations no matter whether the holding of a gas testing certificate was a condition of his service. He further submitted that by allowing the two workmen who did not hold gas testing certificates to be categorised in category VIII of Majumdar award and even allowing them to work in the gassy mine as Coal Cutting Machine drivers without holding gas testing certificates, the management violated Mines law. It may be so. But this is not the forum for agitation of such a proposition. If the management has violated the Mines law the union may bring it to the notice of proper authorities for enforcement of such law. Now, the question is whether holding of a gas certificate is a condition of service under paragraph 186

sub-paragraph (2) of Coal Mine Regulations, 1957. It is undeniably a condition of service. In this context we are to read in between the lines of article 52 of the recommendations of the Coal Wage Board, appearing in page 118, Volume I of the Report which I have already referred to. Gas allowance was denied to workmen who claimed such allowance while working in a gassy mine. Instead of gas allowance the Wage Board recommended higher rates of wages to those workmen who held gas testing certificate. According to Majumdar award category VIII coal cutting machine driver in gassy mine was entitled to higher rate of allowance compared to coal cutting machine drivers in non-gassy mines. According to Wage Board recommendations the coal cutting machine driver in a gassy mine in view of article 52, Volume I, page 118 of the Report read with Paragraph 186, sub-paragraph (2) of the Coal Mine Regulations, 1957 are entitled to be fixed in category VI of the Coal Wage Board recommendations with higher rate of pay compared to the pay in category VIII of Majumdar award and category V of Coal Wage Board recommendations provided the workman covered sub-paragraph (2) of Paragraph 186 of the Coal Mine Regulations, 1957 is holding a gas testing certificate. Sri Majumdar's contention was that when the Majumdar award came into force, the management placed the two workmen in category VIII in a gassy mine although they held no gas testing certificate; so they were entitled to be placed in the gassy mine under Coal Wage Board recommendations in category VI that means at a rate of pay higher than the rate of pay of those in category V of the Coal Wage Board recommendations and even those in category VIII of Majumdar award, and that such denial by the management of the two workmen's claim was illegal and unjustified. Placement of the two workmen in Category VI of Coal Wage Board recommendations is however dependant upon the fulfilment of the conditions in article 52, Volume I, page 118 of the Coal Wage Board recommendations read with Paragraph 186 sub-paragraph (2) of the Coal Mine Regulation, 1957. In violation of the Mine Regulations if the management had placed the two workmen in category VIII of Majumdar award in a gassy mine like "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T", "U", "V", "W", "X", "Y", "Z" every when they did not hold the gas testing certificate, the workmen or the union representing the workmen cannot now ask the Tribunal to be a party to the violation of the Mines Regulations and the recommendations of the Coal Wage Board i.e. article 52, Vol. I, page 118 of the Coal Wage Board recommendations read with sub-paragraph (2) of Paragraph 186 of the Mines Regulations. The *sine qua non* for the two workmen to be placed in Category VI is to hold a gas testing certificate when they are operating the gassy mine Ningha colliery, electrically driven coal cutting machines. The legal right of the two workmen to be placed in Category VI of the Coal Wage Board recommendation is dependant upon their holding a gas testing certificate. Now, the management had placed Rajoo Mia and Mahadeo Gowala in 1970-71 in category VI when they obtained gas testing certificate. Even on 10th January, 1972 workmen Rasid Ali has been placed in category VI of the Coal Wage Board recommendations so soon as he had obtained the gas testing certificate on 20th October, 1971 and brought it to the notice of the management. Sri Majumdar did not raise any comment on the management's action as regards Rasid Ali. The management submitted that Kora had not yet obtained any gas testing certificate. So, if the management is to implement article 52, Volume I, p. 118 read with note No. 7 page 51, Volume II of the Coal Wage Board recommendations by placing from 15th August, 1967 the workmen in category VI of the Wage Board recommendations who were in category VIII under Majumdar award in the gassy mine of Ningha colliery, it has got to obey the recommendations in article 52 read with the law as laid down in paragraph 186 sub-paragraph (2) of the Coal Mines Regulation, 1957. If the union claims as of right under article 52 page 118, Volume I of the Report of the Coal Wage Board recommendations read with note 7, in page 51, Volume II thereof, it cannot overlook the mandatory provision of sub-paragraph (2) of Paragraph 186 of the

Coal Mines Regulations, 1957 which was taken into consideration by the Coal Wage Board while recommending a rate of higher rates of wages to persons whose condition of service was to obtain a gas testing certificate. So, when Rasid Ali and Banka Kora did not hold, when the dispute was referred to for adjudication by this tribunal, the gas testing certificate, the management in regard to Rasid Ali was justified upto 9th January 1972 not to place him in category VI of the Coal Wage Board recommendations and is still justified in not placing Banka Kora in category VI of the Coal Wage Board recommendations. Neither the management can be allowed to violate the law nor the union can be allowed to claim anything which law would not permit the workman to claim. The management and the workmen or as a matter of that the Union are to be governed strictly by the law and law only. In this view of the matter the workman Rasid Ali shall have no grievance on and from 10th January, 1972 and he had no right till before 10th January, 1972 to claim that he should be placed in Category VI of Coal Wage Board recommendations. As regards Banks Kora, since he has not yet obtained gas testing certificate, he has no right to be placed in category VI of the Coal Wage Board recommendations.

12. In the result, the reference is answered in regard to the two workmen in the manner I have just mentioned.

This is my award.

(Sd.) S. N. BAGCHI,
Presiding Officer.

Dated, August 3, 1972.

[No. L/19012/125/71-LRII.]

New Delhi, the 26th August 1972

S.O. 241^o—Whereas an industrial dispute exists between the management of Madhujore Colliery, Post Office Kajoragram, District Burdwan (hereinafter referred to as the said employers) and their workmen represented by the Colley Mazdoor Union (INTUC), Bastin Bazar, G.T. Road, Post Office Asansol, District Burdwan (hereinafter referred to as the union);

And whereas the said employers and the union have by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement.

AGREEMENT

Under Section 10A of the Industrial Disputes Act, 1947

BETWEEN

Name of the Parties :

Representing the employers : Representing the workmen :

Shri R.C. Patel, Resident Director, M/s. Madhujoire Coal Co. Pvt. Ltd., P.O. Kajoragram Distt. Burdwan. Shri Pravat Goswami, General Secretary, Colliery Mazdoor UNION (INTUC) G.T. Road, Bastin Bazar, P.O. Asansol (Burdwan).

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Sri R.J.T. D'Mello, Chief Labour Commissioner (Central), New Delhi.

(i) Specific matters in dispute :

"Whether the management of Madhujore Colliery of M/s. Madhujore Coal Co. (P) Ltd., P.O. Kajoragram Distt. Burdwan, was justified in dismissing from service the workmen named below with effect from 10-4-1971? If not, to what relief are the workmen concerned entitled?"

Sl. No.	Name of the workmen	Designation
1.	Sri Ramnath Singh	Loader
2.	Sri Md. Saddique Mia	Loader
3.	Sri Sankar Harijan	Loader
4.	Sri Balli Harijan	Loader
5.	Sri Shek Nath Karu	Loader
6.	Sri Ramchandra Rajbhar	Surface Trammer
7.	Sri Tuffani Harijan	Onsetter
8.	Sri Sk. Hadish	Timber Mistry
9.	Sri Provakar Roy	Mining Sirdar
10.	Sri Chabbi Yadav	Machine Mazdoor
11.	Sri Ugrasen Singh	S.G. Trammer."

(ii)	Details of the parties to the dispute including the name and address of the establishment or undertaking involved.	Madhujore Colliery of M/s. Madhujore Coal Co. (P) Ltd., P.O. Kajoragram, Distt. Burdwan.
(iii)	Name of the Union, if any, representing the workmen, in question.	Colliery Mazdoor Union (INTUC) G.T. Road, P.O. Asansol, Distt. Burdwan.
(iv)	Total number of workmen employed in the undertaking affected :	1100
(v)	Estimated number of workmen affected or likely to be affected by the dispute.	Eleven.

We further agree that the decision of the Arbitrator shall be binding on us.

The Arbitrator shall make his award within a period of one hundred and eighty days or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned the reference to Arbitrator shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the Parties

(Sd.) R.C. PATEL,
Representing the Employer

(Sd.) PRAVAT GOSWAMI,
Representing the workmen

Witness :—

1. B. PRASAD
2. A. BHATTACHARJEE

Dated : the 19th
July, 1972.

[No. L/19025/27/72-LRII.]

KARNAIL SINGH, Under Secy.

नई दिल्ली, 26 अगस्त 1972

का० आ० 2413.—यतः मधुजोरे कोलियरी, डाक-धर काजोरा ग्राम जिला बर्दवान (इसके पश्चात् उक्त नियोजकों के रूप में निर्दिष्ट किये गए हैं) के प्रबंधनतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व कोलियरी, मजदूर यूनियन (भारतीय राष्ट्रीय श्रमिक संघ कांग्रेस) बासतीन

जिला बर्दवान, जी० टी० रोड, डाकधर आसनसोल, जिला बर्दवान (इसके पश्चात् संघ के रूप में निर्दिष्ट किया गया है) करनी है, एक औद्योगिक विवाद विद्यमान है ;

और यतः उक्त नियोजकों और कर्मकारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-की उपधारा (1) के उपबन्धों के अनुमरण में एक लिखित करार दवारा उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यस्थम् के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थम् करार को एतद्वारा प्रकाशित करनी है;

यतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थम् करार को, एतद्वारा प्रकाशित करनी है।

(करार)

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-के अधीन)

बीच

पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व

करने वाले :

1. श्री० आर० सी० पटेल,
रेजिष्टर डायरेक्टर, मैसर्स
मधुजोरे कोल कम्पनी प्राइवेट
लिमिटेड, डाकधर काजोरा-
ग्राम, जिला बर्दवान।

कर्मकारों का प्रतिनिधित्व करने

वाले :

1. श्री प्रावन गोस्वामी,
मंपूरन महागच्छ, कालियरी
मजदूर यूनियन (भारतीय
राष्ट्रीय श्रमिक संघ कांग्रेस),
जी० टी० रोड, जिला बर्दवान
बासतीन बासार, डाकधर आसनसोल,
बर्दवान।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री आर० जे० टी० डोमेलो, मुख्य श्रमायुक्त (केन्द्रीय), नई दिल्ली के माध्यस्थम् के लिए निर्देशित करने का एतद्वारा करार किया गया है :

(1) विनिर्दिष्ट विवाद "क्या मैसर्स मधुजोरे कोल क० (प्रा०) लि० की मधुजोरे कोलियरी, डाकधर काजोरा ग्राम, जिला बर्दवान के प्रबन्ध मंडल द्वारा उन कर्मकारों को, जिनके नाम नीचे दिए गए हैं, 10-4-1971 से मेवा से पदच्युत करता त्यायोचित था? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुतोष के हक्कदार हैं?"

ऋग्मिक कर्मकार का नाम

1. श्री रामनाथ सिंह
2. श्री भोहमद सद्दीक मिश्रा
3. श्री संकर हरिंजन
4. श्री बल्ली हरिंजन
5. श्री गिंगो नाथ कानू
6. श्री गमचन्द्र गजधर
7. श्री तुफ़कानी हरिंजन
8. श्री शेख हृदिश
9. श्री प्रोवाकर गय
10. श्री चब्बी यादव
11. श्री उप्रसेन मिह

पदनाम

- लोडर
यथोक्त
यथोक्त
लोडर
सरफेस ट्रैमर
आनसेटर
टिम्बर मिस्ट्री
माश्निंग मिरदार
मशीन मजदूर
पू. जी० ट्रैमर।"

- (ii) विवाद के पक्षकारों का विवर:-
रण, जिसमें अन्तर्भूति स्थापन का उपक्रम का नाम और पता भी सम्मिलित है।
- (iii) यदि कोई संघ प्रश्नगत करता कोलियरी मजदूर संघ (भारती कर्मकारों का प्रतिनिधित्व हो तो उसका नाम।
- (iv) प्रभावित उपक्रम में नियो-
- (v) विवाद द्वारा प्रभावित या संभाव्यतः प्रभावित होने वाले कर्मकारों की प्राक्कलित संख्या।

जिन कर्मकारों की कुल संख्या ।
ग्यारह
ग्राम, जिला बर्दिवान।

हम यह करार भी करते हैं कि मध्यस्थ का विनिश्चय का हम पर आवङ्द कर होगा।

मध्यस्थ अपना पंचाट एक सौ ऋग्मिक दिसांक की कालावधि या इतने और समय के भीतर जो हमारे बीच पा रस्परिक लिखित करार द्वारा बढ़ाया जाय, देगा। यदि पूर्व पर्णित कालावधि के भीतर पंचाट नहीं दिया जाता तो माध्यस्थम् के लिए निदेश स्वतः रद्द हो जायगा और हम नए माध्यस्थम् के लिए बानधीत करने को स्वतंत्र होगे।

कर्मकारों के हस्ताक्षर

ह०/-
(आर० सी० पटेल)
19/7/72

ह०/-
(प्रावत गोस्वामी)
19/7/72

नियोजकों का प्रतिनिधित्व करने वाले
साक्षी
1. ह०/- बी० प्रसाद
2. ह०/- ए० भट्टाचार्जी
तारीख : 19 जूनाई, 1972

[सं० ए८/19025/27/72-ए८/आर० २]

करनेल मिह, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 25th August 1972

S.O. 2414.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the Industrial Dispute between the employers in relation to the Calcutta Port Commissioners, Calcutta and their workmen, which was received by the Central Government on the 16th August, 1972.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.

REFERENCE NO. 98 OF 1971

PRESENT:

Employers in relation to the Calcutta Port Commissioners.

AND

Their Workmen.

PARTIES:

Shri S. N. Bagchi, Presiding Officer.

APPEARANCES:

On behalf of Employers.—Sri G. V. Karlekar, Labour Adviser & Industrial Relations Officer.

On behalf of Workmen.—Sri Syama Chakravorti, Secretary of Calcutta Port Shramik Union.

STATE: West Bengal.

INDUSTRY: Port.

AWARD

By Order No. L-32014/2/71-P&D, dated 20th August, 1971, the Government of India, in the Ministry of Labour and Rehabilitation (Department of Labour and Employment), referred the following dispute existing between the employers in relation to the Calcutta Port Commissioners, Calcutta and their workmen represented by the Calcutta Port Shramik Union, to this Tribunal, for adjudication, under Sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, namely:

"Whether the claim by Shri Kartick Kumar Chandra, at present working as Junior Clerk for being fixed as Lower Division Clerk instead of Shri Sudhangsu Kumar Sen, now working as Lower Division Clerk, is justified? If so, to what relief is he entitled?"

2. Notices were served on both the union and the Commissioners for the Port of Calcutta. The union submitted its written statement on 1st April, 1971 and the Commissioners for the Port of Calcutta filed its written statement on 25th January, 1972. But neither party filed any rejoinder to either party's written statement.

3. The union's case, *inter-alia*, as made in the written statement is as follows: In paragraph 38 of the Report of the Classification and Categorisation Committee for the Major Ports of India, the Committee recommended that the Calcutta Port Administration should investigate the duties of Jamadar and Litrate Jamadars in the Sanitary section of the Medical Department and that if any of these holding the aforesaid posts is found to be doing work as full fledged clerk, he should be classified accordingly and fix in the appropriate scale. In terms of the resolution No. 1304 of the Commissioners for the Port of Calcutta in the meeting held on 1st April, 1963, it was decided to convert seven posts of Jamadars and Litrate Jamadars doing full fledged clerical duties into posts of Lower Division clerks and four into Junior clerks and that adjustments would be made according to the seniority. The departmental committee examined the impact of the resolution in the light of the recommendations of the Classification and

Categorisation Committee. Shri Kartick Kumar Chandra, the workman concerned in the dispute, is senior to Sri Sudhangsu Kumar Sen, the dates of appointment of Chandra and Sen in the identical scale of pay and in the same seniority unit being 1st September, 1951, and 16th February 1952 respectively. By wrong casting of the seniority position of Kartick Kumar Chandra, the Port Administration allowed Sri Sudhangsu Kumar Sen to supersede Sri Chandra and this wrong supersession was maintained by the Port authority in promoting Sri Sen to the post of Lower division clerk from the post of Literate Jamadar on 1st April, 1963 but both Sen and Chandra were in the same scale of pay in the same seniority unit. Earlier Sri Chandra protested against the wrong casting of his seniority position in the seniority list shown to him on 4th December, 1958 circulated as per Port Commissioners' Health Officers's letter No. H/EST/9 dated 7th November, 1958, but the representation containing the objection was neither enquired into nor replied to. Later, when the Union took up the case of supersession, the seniority list was amended, and the amended list was shown to Chandra, the workman concerned. Shri Sudhangsu Kumar Sen was working as a Number Taker of the conservancy lorries in the docks and his duty hours were from 6 a.m. to 12 noon and he was never doing full fledged clerical duties and his designation was literate Jamadar on 15th July, 1952. Sri Kartick Kumar Chandra was posted at the Calcutta Jetty Health Office and was working as a table staff for doing full fledged clerical duties during office hours only from 10 a.m. to 5 p.m. His designation was Literate Jamadar on 24th June, 1953. In his letter No. ID(i)43/337 of 22nd August, 1969 to the Union the Labour Adviser and Industrial Relations Officer, Calcutta Port Commissioners admitted supersession of Sri Kartick Kumar Chandra by Shri Sudhangsu Kumar Sen. The union took up the matter with the Chief Medical Officer on behalf of the said workman Chandra and the Chief Medical Officer by his letter No. CMO/U/2/316 dated 10th July, 1964 informed the Union that the adjustment of Jamadar and Literate Jamadar as Lower division clerks is to be made strictly in order of seniority. The dispute of seniority between Sri Kartick Kumar Chandra and his junior Sri Sudhangsu Kumar Sen who was allowed to supersede Sri Chandra against objection was pursued further by the Union. There was conciliation proceeding with the Assistant Labour Commissioner, Central, Calcutta-II and an agreement was reached to refer the dispute for adjudication under Section 10(2) of the Industrial Disputes Act whereupon the present reference with the issue being "whether the claim of Sri Kartick Kumar Chandra at present working as junior clerk for being fixed as Lower Division clerk, is justified? If so, what relief is he entitled?" There was nothing against Sri Chandra as regards his unitability, efficiency and merit. He was also of longer durations in service of the Calcutta Port compared to said Sri Sudhangsu Kumar Sen. Upon the aforesaid statement of case the union prayed for an award in answer to the issue in favour of Kartick Kumar Chandra granting him the relief of promotion retrospectively by holding his supersession to be illegal, unjust, malafide and to grant him any other or further relief as may be deemed fit and proper on merit.

4. The Commissioners of the Port of Calcutta in its written statement referring to paragraph 38 of the Report of the Classification and Categorisation Committee states that recommendations of the said Committee were investigated into by the Commissioners of the Port of Calcutta relating two categories, Jamadars and had a meeting held by the Deputy Chairman of the Commissioners with the representative of the unions and also with the representatives of National Union for Port Trust Employees, now called the National Union of Waterfront Workers, to discuss the implementation of the classification and categorisation as in Paragraph 38 of the Report, regarding the literate

Jamadars and Jamadars of the Health Section and to classify them to post of Lower division clerks. The union agreed to the Deputy Chairman's proposal that out of 11 posts of literate Jamadars and Jamadars taken together of the Health Section, 7 posts be converted to that of lower division and the rest to that of Junior Clerks. To the Deputy Chairman's further suggestion that the posts of Lower division clerk would be filled by the adjustment of literate Jamadars provided they possess the requisite qualifications, both the unions requested the Deputy Commissioner to accept certain modifications in regard to the absorption of the men then holding the posts of literate Jamadars and Jamadars which were accepted by the Deputy Chairman as a very special case. The unions' proposals were (i) that the seven posts of Lower division clerks be filled up by adjustment of the literate Jamadars on the basis of seniority, irrespective of whether they possessed the prescribed minimum qualifications or not in view of their long experience, and (ii) that those who would continue to be on the lower scale of Rs. 60-85 as Junior Clerks will be eligible for consideration only against the 2% per cent promotion quota of lower division vacancies in the Health Department which may arise from time to time including the newly created vacancies of 6 lower division clerks. Suggestions put forward by the union's to the Deputy Chairman's proposal were accepted by both the Commissioners of the Port of Calcutta and the unions and that agreed proposals were subsequently put before the Commissioners in a meeting and sanctioned by the Commissioners under Resolution No. 1305 of 1963. In answer to paragraph 3 of the written statement of the union relating to the initial appointment in the Health Section of the Commissioners for the Port of Calcutta of Sri Chandra and Sri Sen in the identical scale of pay on 1st September, 1951 and 16th June, 1952 respectively, the Commissioners in paragraph 3(i) of their written statement asserted, "Sri Kartick Kumar Chandra was first appointment in the Health Section of the Commissioners' Medical Department under the Chief Medical Officer on 1st September 1951 as Ratman in the scale of pay of Rs. 30-1/2-35 and was adjusted as Oilman with effect from 1st September, 1952 and was confirmed to the post of Oilman on 26th February, 1953. He was temporarily promoted as Mate with effect from 11th January, 1953 to 1st May, 1953 and from 26th May, 1953 to 23rd June, 1953. He was promoted to the post of Literate Jamadar on 24th June, 1953 in the scale of pay of Rs. 39-1-44 and confirmed in the same post on 4th July, 1957". In paragraph 3(ii) of the said written statement and the Commissioners assert that Sri Sudhangsu Kumar Sen was first appointed on 15th January, 1952 as a lascar in the scale of pay of Rs. 30-1/2-35 in the Health Section of the Commissioners' Medical Department under the Chief Medical Officer. He was adjusted in the post of Ratman on 11th July, 1952 and continued in the said post upto 14th July, 1952. He was temporarily promoted to the post of Literate Jamadar on 15th July, 1952 in the scale of pay of Rs. 39-1-44 and was adjusted in the said post on 30th November, 1952 and confirmed in the same post on 3rd July, 1957. Referring to the supersession of Sri Chandra by Sri Sen on the basis of wrong casting of seniority position in between them, the Commissioners of the Port of Calcutta in paragraph 4(i) states that the Commissioners deny the contentions of the Union that by wrong casting of the seniority position of Sri Kartick Kumar Chandra the Port Administration allowed Sri Sudhangsu Kumar Sen to supersede Sri Chandra and that the wrong supersession of Sri Kartick Kumar Chandra was maintained by the Port authorities in promoting Shri Sen to the post of Lower Division Clerk from the post of Literate Jamadar on 1st April, 1963. The Commissioners further assert in paragraph 4(ii) of its written statement that

during the years 1951, 1952 and 1953 a number of staff from the Health Section went on transfer to the Traffic Department and other departments of the Commissioners on various dates and in their places other staff of the Health Section were adjusted as Literate Jamadars as and when such staff were transferred. There are no records to show why seniority of staff was not followed while adjusting the staff as Literate Jamadars. The adjustment of Shri Chandra as Literate Jamadar also involved supersession of a number of staff senior to Shri Chandra on the basis of first appointment. The staff adjusted as Literate Jamadars could not be confirmed as their confirmation depended upon the confirmation of the staff transferred to other departments. Moreover, in the matter of confirmation of the staff in the Health Section the question of supersession of staff being involved, the Chief Medical Officer sought the sanction of the Chairman for confirmation of the staff. The Chairman, after getting the matter properly investigated, approved the supersession on 14th September, 1959 and the dates of their confirmation were staggered to ensure their position in the seniority list and to avoid future disputes. With regard to the union's statement in paragraph 5 relating to the Seniority list dated 4th December, 1958 and the amended list, the Commissioners in paragraph 5(i) of their written statement state that in pursuance of the recommendations of the Commissioners' Special Committee which were approved by the Commissioners under their No. 473 of the 6th Meeting held on 8th May, 1957, the Port Administration appointed a departmental Committee to draw up a consolidated set of Seniority rules, which would be applicable to all the departments. In paragraph 5(ii) it is stated by the Commissioners that the Committee drew up a consolidated set of rules for determining the seniority of all categories of staff in all departments. These rules were approved by the Chairman of the Commissioners and the Chairman directed all the Heads of the Departments that preparation of the seniority lists based on these rules should be completed and the lists forwarded by the departments to the said committee together with full particulars of the disputed cases as well as the difficult cases in which the rules could not be strictly applied. Under the Chairman's direction the committee was to examine these cases on their merits. In the case of the Health Section of the Chief Medical Officer's department, the seniority lists were prepared and first circulated among the members of the staff of the section. These lists were later forwarded to the Secretary and finalised. The difficulty about the seniority of Literate Jamadars were also resolved on the basis of the total length of service in the grade of Literate Jamadars. The Commissioners deny the contention of the union in the said paragraph that the representation containing Shri Kartick Kumar Chandra's objection was neither enquired into nor replied to. No such objection at alleged or at all was received by the Commissioners from him. Only Shri Monoranjan Chakravarty and Sri Sachindra Nath Banerjee, Literate Jamadars had submitted their objections which were duly enquired into. The amended seniority lists were at the relevant time shown to all the Literate Jamadars including Shri Kartick Kumar Chandra. The Commissioners assert that Sri Kartick Kumar Chandra at present working as Junior clerk cannot claim to be fixed as Lower Division clerk instead of Sri Sudhangsu Kumar Sen now working as Lower division clerk since the placing of Sri Kartick Kumar Chandra as Junior clerk and Sri Sudhangsu Kumar Sen as Lower Division clerk are justified.

5. On 18th May, 1972 the union i.e. the Calcutta Port Shramik Union had addressed a letter to this tribunal stating that it was sending a rejoinder in the reference. The letter with the Annexure was found not to be a rejoinder but an application for calling for certain documents. Thus, no rejoinder was filed to the written statement of the Commissioners of the Port of Calcutta by the union.

6. Neither party adduced any evidence. The case was opened for the workman represented by the union by Sri Chakravarty, the Secretary of the union. In paragraph 7 of the union's written statement it is admitted that on 15th July, 1952 Sri Sen was appointed Literate Jamadar and in paragraph 7 of the written statement the union further admits that Sri Kartick Chandra was appointed Literate Jamadar on 24th June, 1953. The Secretary of the union submitted that the initial appointment as stated in paragraph 3 of the union's written statement of Sri Kartick Kumar Chandra as Ratman dated from 1st September, 1951 whereas the initial appointment of Sri Sudhangsu Kumar Sen as Lascar dated from 16th June, 1952 but both in the same scale of pay i.e. grade. On that basis, the Secretary of the union submitted that on 15th July, 1952 when Sen was appointed Literate Jamadar, Kartick Chandra was superseded and that on 1st April, 1963 when both Sri Sen and Sri Chandra were Literate Jamadars, Sri Chandra was superseded by Sri Sen when Sri Sen was appointed as a Lower division clerk while Sri Chandra was appointed as Junior clerk. The Secretary also submitted that having regard to the length of the service Chandra, having had been appointed on 1st September, 1951 in the identical scale of pay with Sri Sen, who was appointed in the same scale of pay on 16th June, 1952, there was first supersession when there was the appointment of Literate Jamadar on 15th July, 1952, when instead of Sri Chandra, Sri Sen was appointed Literate Jamadar while Chandra was appointed Literate Jamadar on 24th June, 1953 about a year after the appointment of Sen as Literate Jamadar. Having regard to the seniority in the identical scale of pay of Chandra with reference to his length of service in the scale of pay being greater than that of Sri Sen, the claim of Chandra for being appointed as Literate Jamadar on 15th July, 1952 was superseded when Sen was appointed Literate Jamadar. As there had been supersession in disregard of the seniority with reference to the length of service of Chandra at the time of appointment of Sen as Literate Jamadar on 15th September, 1952, the appointment of Lower division clerk of Sen on 1st April, 1963 in preference to Sri Chandra had similarly affected the claim of Sri Chandra for such appointment on the basis of his overall seniority with reference to his length of service even though Sen was apparently appointed as Literate Jamadar on 15th July, 1952, i.e. only about a year earlier before Sri Chandra was appointed as Literate Jamadar. There had been denial of his right to promotion to the post of Literate Jamadar to Sri Chandra on 15th July, 1952 when his junior Sri Sen was appointed Literate Jamadar. That supersession continued even when there was promotion from the post of Literate Jamadar to the post of a Lower division clerk of Sri Sen on 1st April, 1963 in preference to Sri Chandra, who was promoted as a Junior clerk instead of a Lower division clerk. The Secretary of the Union submitted that the Labour Adviser and Industrial Relations Officer of Kartick Kumar Chandra by Sudhangsu Kumar Chandra objected against that seniority list and that such objection was neither enquired into nor replied to. But it is stated in that very paragraph 5 of the union's written statement that when the union took up the case of supersession, the seniority list was amended and the amended list was shown to Chandra. The Secretary of the union, however, did not submit as to whether any objection was taken either by the union or by the workman when the amended seniority list was made and circulated by the Commissioners of the Port of Calcutta.

7. Now, if the seniority list of 1953 was amended to the knowledge of the union and the workman Kartick Kumar Chandra, what was the position in between Chandra and Sen in the amended seniority

list and when such amended seniority list was prepared, circulated and shown to Kartick Chandra had not been stated by the union in its written statement, not only in paragraph 5 of such statement but nowhere else in the entire written statement. But it is stated in paragraph 6 of the written statement that on 15th July, 1952 Sen was Literate Jamadar while in paragraph 7 of the statement it is stated that on 24th June, 1953 Chandra was the Literate Jamadar. From these two paragraphs it appears that Sen was promoted to the post of Literate Jamadar on 15th July, 1952 whereas Chandra was promoted to the post of Literate Jamadar on 24th June, 1953. Certainly, therefore, the seniority amongst the Literate Jamadars, particularly in between Sen and Chandra in the seniority list prepared by the Commissioners of the Port of Calcutta vide Health Officer's letter No. HC/EST/9, dated 7th November, 1958 which was shown to Chandra on 4th December, 1958 on circulation must have had shown Sen, appointed as Literate Jamadar on 15th July, 1952, as senior to Chandra who was appointed Literate Jamadar on 24th June, 1953. The Secretary of the Union referring to paragraph 5 of the written statement submitted that there was an objection to such seniority list by Chandra which was neither enquired into nor replied to by the Commissioners. But the Commissioners in their statement of case, paragraph 5(ii), clearly stated that no objection as alleged or at all was received by the Commissioners from him, meaning Kartick Kumar Chandra, the workman but only Sri Monoranjan Chakravorty and Sri Sachindra Nath Banerjee, Literate Jamadars had submitted their objections which were duly enquired into. The amended seniority list were at the relevant time shown to all the Literate Jamadars including Sri Kartick Kumar Chandra. This statement of the Commissioners of the Port of Calcutta is borne out by the admission made by the Union in paragraph 5 of its written statement where it says, "later when the union took up the case of supersession the seniority list was amended and the amended list was shown to Sri Chandra". Therefore the 1958 seniority list, upon objections by two Literate Jamadars only i.e. Monoranjan Chakravorty and Sachindra Nath Banerjee, was amended, as stated by the Commissioners of the Port of Calcutta in paragraph 5(ii) of its written statement, but no objection was raised by Kartick Chandra to the list as prepared in 1958. The union claims in paragraph 5 of its written statement that it raised objection against the supersession meaning the seniority list as prepared in 1958 and on its objection seniority was amended and shown to Chandra (paragraph 5 of union's written statement). So, seniority list of 1958 was admittedly amended on objection by two literate Jamadars and also by the union with the knowledge of Sri Chandra and the Union.

8. Now, from 1958-59 nearabout five years elapsed i.e. since the publication of the amended seniority list when on 1st April, 1963 Literate Jamadar Sen was promoted to the post of Lower Division clerk in supersession, as alleged, by Sri Chandra. The Union stated in paragraph 9 of its statement that the union took up the matter of supersession of Chandra when Sen was appointed lower division clerk in preference to Chandra on 1st April, 1963 with the Chief Medical Officer. The Chief Medical Officer by his letter referred to in the written statement in paragraph 9 informed the union on 10th July, 1964 that the adjustment of Jamadar and Literate Jamadar as lower division clerk is to be made strictly in order of seniority. The Commissioners in paragraph 5(ii) of their statement of case stated that in the case of the Health Section of the Chief Medical Officer's department, the seniority list were prepared and first circulated amongst the members of the staff of the section. These lists were later forwarded to the Commissioners' Secretary and finalised. The Commissioners' difficulty about the seniority of Literate Jamadars

was also resolved on the basis of the total length of service in the grade of Literate Jamadars. The seniority list of 1958 and amended seniority list relating to Literate Jamadars as mentioned in paragraph 5 of the Union's written statement and paragraph 5(ii) of the written statement of the Commissioners for the Port of Calcutta, were prepared long after the appointment of Sri Sen and Sri Chandra as Literate Jamadar on promotion on 15th July, 1952 and 24th June, 1953 respectively. There was an objection to the seniority list of the Health section as mentioned in paragraph 5 of the union's statement and paragraph 5(ii) of the Commissioners' statement except that the objections to such list were only lay two Literate Jamadars but not Sri Chandra and those objectors were Sri Chakravorty and Sri Banerjee as mentioned in paragraph 5(ii) of the written statement of the Commissioners for the Port of Calcutta. Both the union and the Commissioners of the Port of Calcutta in paragraph 5 and 5(ii) of their respective written statements admit that the amended list, I mean the seniority list, that means the list prepared in 1958, and later on amended, were finalised and were shown to Sri Chandra. I have pointed out that the union did not state anywhere in its written statement as to whether when Chandra saw the amended list he raised any objection. Therefore, having regard to law of pleadings the admitted position is that according to the seniority list of Literate Jamadars, the date of appointment in the post of Literate Jamadar of Sen was on 15th July, 1952 whereas the date of appointment of Sri Chandra was 24th June, 1953. The Commissioners of the Port of Calcutta in paragraph 5(ii) of its written statement stated that the difficulty about the seniority of Literate Jamadars was also resolved on the basis of total length of service in the grade of Literate Jamadars. Sri G. V. Karlekar, appearing for the Commissioners of the Port of Calcutta, submitted that the initial appointment to the post of Literate Jamadars of Sri Sen and Sri Chandra, being on 15th July, 1952 and 24th June, 1953 respectively had to be reckoned in the matter of promoting Sen and Chandra to the posts of Lower division clerk and Junior clerk respectively since the total length of service in the grade of Literate Jamadars in case of Sen was greater than that of Sri Chandra by nearly about a year. He further submitted that the 1958 seniority list of Literate Jamadars and the amended list that was finalised had never been challenged when shown to Sri Chandra. So, the position was that when on 1st April, 1963 the question of promotion of Literate Jamadars to the posts of Lower division clerks and Junior clerks arose, Sen having had longer period of service in the grade of Literate Jamadar had to be preferred being senior to Chandra, for appointment as a Lower division clerk while Chandra was adjusted in the post of a junior clerk. In reply, the Secretary of the Union submitted that at the time of promotion of Sen to the post of Literate Jamadar the Commissioners of the Port of Calcutta had admitted in paragraph 4(ii) of its written statement that there had been supersession of a number of staff senior to Sri Chandra on the basis of first appointment when adjustment of Sri Chandra as Literate Jamadar had to be made in 1952, and that if such supersession had not also taken place in 1952 when Sen was appointed Literate Jamadar in preference to Chandra, Chandra would have been senior as he had been appointed in the identical scale of pay as that of Sen initially on 1st September, 1951 while Sen was appointed initially on 16th June, 1952. Sri Karlekar on behalf of the Commissioners in reply stated referring to paragraph 4(ii) of the Commissioners' statement to which no rejoinder had been filed by the union that in 1951, 1952 and 1953 a number of staff of the Health Section were transferred to the Traffic department and other departments of the Commissioners on various dates and in their places other staff of the Health section were adjusted

as Literate Jamadars as and when such staffs were transferred and that there were no record to show why the seniority of staff was not followed, while adjusting of staff was made as Literate Jamadars. But he submitted that the seniority list of Literate Jamadars and other staff of Health Section had been prepared in 1958 and that from amongst the Literate Jamadars and all other staff of the Health Section, objections to the said seniority list were invited and were heard and enquired into and that the final seniority lists were prepared and shown to all members of the staff of the Health Section including Chandra and the union. The final list of seniority of Literate Jamadars including the names of Chandra and Sen was published and there had been no objection to such list till upto the date when the question of promoting to the post of lower division clerk from amongst the Literate Jamadars arose on 1st April, 1963. Sri Karlekar submitted further that as there had been large scale transfer of staff from the Health Section to other Sections and other departments of the Port Commissioners in 1951, 1952 and 1953, from amongst the remaining staff of the Port Commissioners in the Health Section appointments had to be made in the post literate Jamadars depending on the exigency of the situation. Accordingly, in 1952 Sen was appointed Literate Jamadar, although there might have been some violation of the seniority rule in regard to the staff of Health section when Literate Jamadars had to be appointed for large scale transfer of staff from the Health section in those years. He, however, categorically submitted that if after the seniority list of Literate Jamadars prepared in 1958 that was later on amended and shown to Sri Chandra and other members of the staff on being finalised had not been objected to either by the union or by Sri Chandra right upto April, 1963, when according to the amended seniority list Chandra was junior to Sen in the grade of Literate Jamadars in 1st April, 1963, the belated objection of the Union, that had chandra been not superseded when Sen was appointed Literate Jamadar on 15th July, 1952 and was appointed as Literate Jamadar instead of Sen, Chandra would have been senior to Sen on 1st April, 1963 wherefore Chandra would have the lawful claim for appointment to the post of lower division clerk in preference to Sen on 1st April, 1963, could hardly be tenable. He pointed out that if the seniority list finalised to the knowledge of the union and Chandra in 1958-59 was to be amended at present, there would be serious dislocation in the matter of seniority of Literate Jamadars Lower division clerks and junior clerks in the Health Section of the Commissioners of the Port of Calcutta and that its impact would certainly reflect on other sections and lower division clerks as well. There would be thus no finality in seniority list which had been duly published with notice to all concerned after considering the objections to the list that was first prepared and objected to by two Literate Jamadars as well as by the union. Sri Karlekar also pointed out that as the seniority list stood on being finally published after 1958, there was no violation of seniority rule when the senior Literate Jamadar Sen was promoted, in preference to his junior Sri Chandra. Literate Jamadar, to the post of Lower division clerk, and Chandra was adjusted to the post of a junior clerk.

9. The Secretary of the Union submitted that on the date of appointment of Sri Sen to the post of lower division clerk the length of service of Sri Sen from the date of his initial appointment to the date of his appointment as Lower division clerk was lesser than that of Sri Chandra, and that on that account also having regard to the total length of service from the date of initial appointment in the same scale of pay of both Chandra and Sen irrespective of their respective appointment on promotion to the posts of Literate Jamadar. Chandra should have been preferred as senior to Sen since his total length of service on 1st April 1963 was greater than that of Sri Sen. Sri Karlekar, however, pointed out that the Commissioners' assertion in paragraph 5(ii) of their written statement reading as "The difficulty about the

seniority of Literate Jamadar was also resolved on the basis of the total length of service in the grade of Literate Jamadar' had not been controverted by any rejoinder filed by the union. The Secretary of the Union did not object to the principle to be followed in the promotion of Literate Jamadars to the posts of Lower division clerks and Junior clerks in terms of the agreed list formally arrived at between the Port Commissioners and the union as referred to in paragraph 2(b) (i) & (ii) and the Resolution No. 1305 of 1963. The Secretary's objection was on two counts, firstly, while promoting Sen to the post of Literate Jamadar, Chandra was superseded and, secondly, had that supersession been not effected Chandra would have been appointed Literate Jamadar on 15th July 1952 when in terms of the agreement referred to in paragraph 2(b)(i) of the Port Commissioners' written statement, Chandra would have been appointed Lower division clerk on the basis of his seniority as a Literate jamadar in preference to Sri Sen. Apparently, having regard to the fact that the Port Commissioners in their statement of case submitted that in 1951 to 1953 when large scale transfer from Health section were affected and Sen was appointed Literate jamadar there had been cases of supersession, the Secretary's contention regarding Sen superseding Chandra at the time of Sen's appointment as Literate Jamadar is very attractive. Sri Karlekar has, however, submitted that how Sen and Chandra were preferred to others in the same scale of pay when they were each appointed Literate Jamadar, there was no record therefor in the department. The Commissioners for the Port of Calcutta on 9th April 1959 (Health Officer's office) published the seniority list of class III employees, filed by the Union as an Annexure to its written statement and it would show that Sudhangsu Kumar Sen at first appointment was lascar was on 15th January 1952 and was post of Literate Jamadar on 11th July 1952. Sachindra Nath Banerjee first appointed as Sweeper on 6th July 1948 was adjusted as Sweeper on 6th July 1948, on a substantive post as Sweeper, confirmed as Mate on 6th July 1949, and was made Literate Jamadar on 11th December 1952. Monoranjan Chakravarty was appointed as Mathor on 10th October 1947, adjusted as Mathor on 10th October 1947, confirmed in the post of Mate on 1st December 1948 and was made Literate Jamadar on 11th January 1953. Kartick Kumar Chandra, Ratman, appointed on 1st September 1951, adjusted in the substantive post of Oilman on 1st September 1952, confirmed as Oilman on 26th February, 1952, appointed Literate Jamadar on 24th June 1953. Bhupan Chandra Das, Mathor appointed on 26th October 1948, adjusted in the continuous service as Mathor on 26th October, 1948, adjusted in the substantive post of Mathor on 26th October 1948, subsequent designation Mate on promotion on 1st December 1949, working in office as Jamadar on 10th October 1957 confirmed on 3rd December 1958. Bhupesh Chandra Vaccinator was appointed on 15th November, 1944, adjusted as a vaccinator on 15th November, 1944 in the substantive post, confirmed in the post on 15th September 1947, appointed Jamadar on 3rd December 1958. So, it is clear from this seniority list, that after 1958 list was circulated in 1958 Monoranjan Chakravarty and Sachindra Nath Banerjee ga . . . objection and the final seniority list was prepared on 9th April 1959 and was shown to Chandra. Sri Karlekar's statement that there had been supersession in 1952 and 1953 when Sudhangsu Kumar Sen and Kartick K. Chandra were appointed Literate Jamadar on 11th July 1952 not on 15th July 1952 (vide Seniority list Annexure to Union's written statement), and on 26th April 1953 respectively would appear from this list of 9th April 1959 filed by the union, and the persons involved were Sachindra, Monoranjan Kartick vis-a-vis Sen, Bhupan, Bhupesh and Paresh Pande. Long before those persons were appointed either as a Jamadar or a Literate Jamadar, both being eligible in terms of the agreement referred to in paragraph 2(b) (i) and(ii) of the Port Commissioner's written statement

for appointment as a Lower division clerk or a Junior clerk, as the case may be, Sudhangsu Sen was appointed Literate Jamadar on 11th July 1952 (see Seniority list 1959) so also Chandra on 26th April 1953. Sri Karlekar's submission, in consonance with paragraph 5(ii) of the Commissioner's written statement to which no rejoinder was filed, that large scale transfers from time to time from the Health Section of the Port Commissioners necessitated appointment of Literate Jamadars on supersession from amongst the staff holding posts of different designations in the same scale of pay and that might have been for some administrative reasons, finds support from the amended Seniority List of 1959. The Secretary of the union was asked to enlighten the tribunal whether in case of Sudhangsu Sen's appointment as Literate Jamadar on 11th July 1952 by the then authority in the Health section in preference to all those persons mentioned above who were senior to Sen, counting their length of service in the same grade from the date of first appointment in Health section there was any malafide or victimisation or unfair labour practice indulged in by the authority the then in office of the Health Section who was competent to appoint Sen as Literate Jamadar in preference to Chandra and others mentioned above, who were senior to him drawing pay in the same scale with diverse job designations. The seniority list would show, published in April 1959, i.e. the final list, that in the gradation ladder Literate Jamadar Sen was on the 51st serial while Sachindra N. Banerjee, Monoranjan Chakravarty, Nagendra N. Bhattacherjee and Kartick Chandra were on the serial Nos. 52, 53, 54 and 55 respectively, so also Bhuban Chandra Das, Bhupesh Cha. Chakravorty, Paresh Pande on 56, 57 and 58 respectively. This list would show that in 1959 Literate Jamadar Sen was senior to those persons in the list and that was the final list as submitted by Sri Karlekar to which the Secretary could not make any contrary submission. The Secretary in his submission, however, had to admit that there is no pleading in the written statement filed by the Union that the authority that had appointed Sen, in preference to all those persons named above, who according to the length of their service, dating from their initial appointment in the same scale as of Sen, were apparently senior to Sen, had indulged in malafides against all those that were superseded, or that had indulged in unfair labour practice as against all those who were apparently superseded or that had indulged in victimisation of those that had been apparently superseded. There is no case in the written statement of the union that all those persons whose names I have mentioned with reference to the seniority list of 1959 filed by the union as an Annexure to its written statement had been the subjects of malafides of appointing authority or had been victimised otherwise by the appointing authority or had been affected by the unfair labour practice, while appointing in preference to all those persons named above in the seniority list, Sen as Literate Jamadar on 11th July 1952. The union is espousing, as it appears from the written statement, only the case of Kartick Chandra but not all those who were apparently superseded, if regard be had to the dates of their first appointment of those in the Health Section in the scale of pay to which, from Sen to Pande, Sl. 51 to 58 of the seniority list of 1959, had been appointed with diverse job designations as in the list.

10. Now, if the promotion of Sen to the post of Literate Jamadar is to be interfered with by the tribunal, then as Sri Kadlekar submitted, the cases of all other persons mentioned above were required to be reviewed, so much so that there would be a cause for an industrial unrest instead of industrial peace amongst all those persons mentioned above who had, on seeing the final seniority list, raised no objection not to speak of the union, for all those persons for all these years from 1950 to 1971 when the reference was made to this tribunal by the Central Government on 20th August, 1971.

11. The second branch of contention of the Secretary of the Union was as I have pointed out, could be rationally accepted if I could interfere with the seniority list of 1959 that remained unchallenged from 1959 April to August, 1971 when this reference was made regarding the case of only Kartick Kumar Chandra espoused by the union that had not considered the cases of apparent supersession of all those persons mentioned earlier with reference to the seniority list of 1959, filed as an Annexure by the union itself. In its written statement the union did not challenge the correctness and bona fides in the making of the amended seniority list i.e. list of 1959. On the basis of the seniority list of 1959 amongst the Literate Jamadars promotion to the posts of Lower division clerks and Junior clerks had to be made by the authorities of the Port Commissioners on 1st April 1963. The Secretary of the Union did not submit before me that in preferring Sen as literate jamadar being senior to Kartick Kumar Chandra, on the basis of the seniority list of 1959, filed as an Annexure to their written statement by the union, there had been any violation of the seniority rule. From the written statement of the union also, the Secretary of the union could not point out that the union had pleaded either malafides or victimisation or unfair labour practice in the appointment of Sen senior to Chandra, as a Lower division clerk, and appointment of Chandra as Junior clerk. The Secretary did not submit that in preferring Sen to Chandra in the appointment of lower division clerk, there was any violation of the agreement as mentioned in paragraph 2(b)(i) and (ii) of the Commissioners' written statement. The Secretary, however, submitted that in the prayer portion of the written statement of the union it had stated that in the circumstances stated in the written statement, the tribunal should answer the issue referred to for adjudication in favour of Sri Kartick Kumar Chandra and award Kartick Kumar Chandra the relief of promotion retrospectively by holding his supersession to be illegal, unjustified and malafide. But nowhere any circumstance was pleaded in the written statement of the union, i.e. the factual circumstance, indicating thereby malafides or victimisation or unfair labour practice in the appointing authority either when Sen was promoted to the post of Literate Jamadar on 11th July 1952, or when Sen was promoted to the post of lower division clerk on 1st April 1963. Malafides, victimisation or unfair labour practice are matters of fact. If anybody pleads malafide, victimisation or unfair labour practice, he is to plead the facts and circumstances in its statement of case upon which malafide, etc. could be grounded. The party opposing such statement is either to admit or deny specifically by pleading the facts counteracting such malafides or victimisation or unfair labour practice. Thereupon, an issue of fact would arise as to whether under the factual circumstances, as pleaded by the parties to an adjudication proceeding, there was either malafides or victimisation or unfair labour practice in the appointing authority amongst anyone of it, indulged in by the while the appointing authority amongst many of the same cadre to a higher cadre-post preferring that promotee to other eligibles in the lower cadre. Upon such an issue evidence to be adduced by parties would be relevant and such evidence the tribunal is to find proved circumstances of the case, that there had been malafides or victimisation or unfair labour practice in the appointing authority while appointing one amongst many from the lower cadre post to a higher cadre post superseding the claims of other eligibles in the lower cadre. In that event, only the tribunal may have to interfere with the dispute over a promotion matter.

12. Now, the question arises whether on the facts in pleadings an issue of fact on the question of malafides or victimisation or unfair labour practice affecting Kartick Chandra in the matter of promotion of Sen

in preference to Chandra to the post of Literate jamadar and subsequently to the post of lower division clerk could arise merely on the mention of an word 'malafile' in the prayer portion of the union's written statement. I am sorry, that the law would not permit such an issue of fact to be raised on the pleadings before this tribunal. So, no evidence on such an issue would be relevant and admissible. The Secretary did not dispute in his submission before me that in following the seniority list of Literate Jamadars 1959 List there was any irregularity or illegality while Sen senior to Kartick Chandra in the seniority list of Literate Jamadars was appointed to the post of Lower division clerk. I have already pointed out that the Secretary of the union first attacked the promotion of Sen to the post of Literate Jamadar in preference to Chandra and submitted that if that promotion could be interfered with, then Sen would have been junior to Chandra on 1st April 1963 having regard to the total length of his service in the scale of pay to which both were initially appointed, and that in that event Sen ought not to have been appointed lower division clerk in preference to Chandra. The tribunal cannot, as the law stands, interfere with the seniority list of 1959 where Sen is shown senior to Chandra as Literate Jamadar nor can it undo the promotion of Sen from the post of a Ratman to that of Literate Jamadar as there is no pleading of malafiles, etc., as I have already pointed out in the written statement of the union. Moreover, as the law stands, I cannot permit myself to interfere with the seniority list of 1959, and cannot set aside the promotion of Sen to the post of Literate Jamadar and thereafter to the post of lower division clerk, when in the written statement of the union, there is no factual assertion of malafiles or victimisation or unfair labour practice in the appointing authority while promoting Sen to the post of Literate Jamadar, and again to the post of lower division clerk respectively in preference to Chandra. on both the occasions.

13. The law is now well settled on this score. In the case of Mahendralal vs Hindustan Steel Limited, Bhilai Steel Project (by General Manager), and another, reported in 1969 I LLJ, page 73, their Lordships of the Division Bench of the Madhya Pradesh High Court had copiously referred to and relied on the decisions of the Supreme Court of India in the case of Brooke Bond (India) (Private) Limited, vs their workmen, 1963 I LLJ page 256 and 1966 I LLJ, page 402 and laid down the content and scope of jurisdiction of a Labour Court and an Industrial Tribunal in interfering with the question of promotion of employees of industrial establishments. In Brooke Bond's case (1963 I LLJ page 256) their Lordships of the Supreme Court laid down, "Thus, though promotion is normally a function of the management, if it appears to the tribunal to which a dispute as to failure of the employer to promote a senior employee is referred, that in promoting another employee in preference to the senior employee, the management has been actuated by considerations other than on merits or that the failure to promote the eligible person who is senior in service amount to an unfair labour practice, the tribunal would be justified in interfering with the order made. But in the absence of malafiles, normally it must be left to the discretion of the management to decide which of the employees should be selected for promotion at a given time subject of course to the above formula. "In Brooke Bond's case reported in 1966 I LLJ, page 402, their Lordships of the Supreme Court observed, "Generally speaking promotion is the management's function; but it may be recognised that there may be occasions when a tribunal may have to interfere with promotions made by the management where it is felt that the persons superseded have been so superseded on account of malafiles or victimisation. Even so, after a finding of malafile or victimisation it is not the function of the tribunal to consider the merits of the various employees itself and then decide whom to promote or whom not to promote. If industrial tribunal finds that promotions have been made which are unjustified on the ground of malafiles

or victimisation, the proper course for it to take is to set aside the promotions and ask the management to consider the cases of superseded employees and decide for itself whom to promote, except of course the person whose promotion has been set aside by the tribunal". Quoting those two observations of their Lordships of the Supreme Court, Madhya Pradesh High Court observed at page 79 of the Report, "The Labour Court, in transgression of these settled principles, tried to interfere with a fair and just decision of the management. Thereby, it usurped a jurisdiction which it did not possess". In that case the question of seniority in terms of certain circular of the Bhilai Steel Project had to be construed by the Labour Court. The circular of the General Manager as quoted in page 80 of the Report was "Seniority shall be fixed strictly in accordance with date of joining of an employee in a particular category or cadre". In that case the Industrial Court interpreted that the temporary promotion of the employee concerned in an officiating capacity made on ad hoc basis would be counted in determining his seniority in the cadre of Section Assistant. In that context their Lordships of the Madhya Pradesh High Court observed at page 80, "The temporary promotion of a person to a post in a higher cadre in an officiating capacity, is not tantamount to his appointment in a particular category or cadre within the meaning of the circular. Such a temporary appointment confers on him no right to that post. It, therefore, follows the appointment of the petitioner to the cadre or section assistant was on 20th September, 1958, when he, along with 33 other upper division clerks, was first promoted as section assistant, the Labour Court acted illegally or with material irregularity in not adhering to the basic principles". In that case the Labour Court misconstrued the circular and revised the seniority list on a wrong interpretation of the Circular in case of the employee who claimed that he had been superseded. The Madhya Pradesh High Court found that the Labour Court from whose decision there was revision to the Industrial Court under the Madhya Pradesh Industrial Relations Act disregarded the relevant circular of Bhilai Steel Project that the seniority shall be fixed strictly in accordance with the date of joining an employee in a particular cadre or category. At page 79 of the Report their Lordships of the Madhya Pradesh High Court observed: "The first question regarding jurisdiction of the Labour Court is inter-linked with the second question regarding the constructions of the different circulars Normally in dealing with dispute as to promotion, however, anxious industrial adjudication may be, regard must always be had to the fact that in matters promotion discretion has primarily to be left to the employer. In that context their Lordships quoted the two decisions of the Supreme Court in the two Brooke Bond cases from which I have extracted the relevant observations. In Brooke Bond case reported in 1966 I LLJ page 402, the Supreme Court made it abundantly clear that supersession in a promotion case could be interfered with by an industrial tribunal only when there was malafile or victimisation. After it is found that there has been malafiles or victimisation affecting the superseded employee, then the promotion of the promotee employee would be set aside and the management should be left with the direction that it should according to the rules in force, consider all the cases of eligibles for promotion to a particular post. In absence of pleading and proof of malafiles, on victimisation or unfair labour practice, or any of those the tribunal has no jurisdiction either to interfere with the seniority list or to set aside a promotion, and appoint in place of the promotee, the superseded employee who claims that he had been superseded in preference to the promotee. Now, if in the case of a promotion, an eligible employee has been superseded in preference to the promotee by the management and if such decision is fair and just, the tribunal cannot interfere with such promotion. In a recent case, B. A. Nigam, Petitioner vs The Registrar of High Court of Madhya Pradesh, Jabalpur and others, reported in

1972 L.I.C., Volume 5, Part 49, page 95, the Madhya Pradesh High Court had to deal with the case of supersession of a Civil Judge to the post of Additional District and Sessions Judge. The petitioner, a Civil Judge in the Madhya Pradesh called in question the promotion of 40 Civil Judges to the post of Additional District and Sessions Judges on the ground that Civil Judges junior to him in the cadre were promoted under the circumstances in which his claim for such promotion was not considered. The direction of their Lordships was given in paragraph 23 of the Judgment at page 105 of the Report. The Madhya Pradesh High Court was Respondent No. 1 and the Madhya Pradesh Government was Respondent No. 2 in that case. Their Lordships observed, "The Respondents 1 and 2 shall be required to consider the claims of the petitioner for promotion whenever, after November 30, 1968, the claims of those junior to him in the cadre of Civil Judges were considered for promotion. If he is found fit for promotion, the promotions made on those occasions shall be reviewed and the petitioner shall be given his relative seniority in the cadre of Additional District and Sessions Judges on that basis. The respondents 1 and 2 shall also consider what other consequential benefits should be allowed to him". So, the law as laid down in Brooke Bond case 1966 I LLJ page 402, supra, and in Nigam's case 1972 L.I.C.'s that if there had been supersession in the matter of promotion of Sen in preference to Chandra on the ground of malafides or victimisation or unfair labour practices operating as against Chandra while Sen was appointed Literate Jamadar and subsequently as Lower division clerk by the appointing authority, the promotion of Sen to the post of Literate Jamadar and subsequently to the post of Lower division clerk shall have to be set aside and the management shall have to be directed to take into consideration cases of all those persons who on 11th July, 1952, were eligible for promotion as Literate Jamadars from the scale of pay to which Sen and Chandra and those others were appointed, with diverse designations in the Health section of the Port Commissioners. The management shall have to be directed to consider that after considering the eligibility of all those on 11th July, 1952 for promotion to the post of Literate Jamadars, those found fit by the management under the Rules, should be appointed on and from that date. Thereafter on 1st April, 1963 having regard to the seniority amongst the Literate Jamadars the management shall have to consider the eligibility of those amongst the Literate Jamadars fit under the Rules for promotion to the post of Lower division clerks. The tribunal cannot usurp the jurisdiction of the management. The tribunal can only direct the management to follow the seniority rule and review the entire case of promotion on 11th July, 1952 of all eligibles to the post of a Literate Jamadar and to review all cases of those eligible for promotion on 1st April, 1963 to the posts of Lower division clerks. The tribunal cannot set aside the seniority list and appoint on and from 11th July, 1952 Chandra as a Literate Jamadar and then on 1st April, 1963 as a Lower division clerk. This function is entirely of the management. But the moot question would be whether on the pleadings an issue could be raised regarding the malafides or victimisation or unfair labour practice indulged in by the respective appointing authority while promoting Sen to the post of Literate Jamadar and Lower division clerk in preference to Chandra and not only Chandra but others as mentioned above. But there is not a whisper even in the written statement of the union relating to the factual circumstances alleging either malafides or victimisation or unfair labour practice or all those in the relative appointing authority when Sen was promoted to the post of Literate Jamadar and later on to the post of Lower division clerk in preference to Chandra. Therefore, as laid down by the Supreme Court in the Brooke Bond cases from which I have extracted the relevant observations, this tribunal cannot, within the scope of the pleadings, raise an issue as that of malafides or victimisa-

misation or unfair labour practice as already observed nor can it allow the union to lead evidence on such a question. As there was no factual assertion of circumstance relating to malafides or victimisation or unfair labour practice in the union's written statement, the Commissioners for the Port of Calcutta in their written statement had no occasion for traversing any such fact as being not relevant to the circumstances stated in the written statement filed by the union for the workman. I wonder how can the union espouse only the case of one workman when the seniority list of 1959 made Annexure to the Union's written statement would show that in 1952 when Sen was appointed Literate Jamadar many amongst those in the same scale of pay with Sen who had entered service long before Sen had entered as a lascar, had not been preferred to Sen, when Sen was appointed Literate Jamadar on 11th July 1952. The seniority list of 1959 also shows that Chandra superseded many senior to him when appointed Literate Jamadar 24th June, 1953. I wonder why the union espousing the case of Chandra had not challenged the Sen's promotion to Literate Jamadarship as having had been affected by the appointing authority's malafides or victimisation or unfair labour practice operating as against Chandra as well as against others senior to Sen on the score of their total length of service in the same scale of pay and as such eligible for such promotion as contended by the Secretary. The Secretary of the union during the discussion on the point of law, and on the absence of pleading in the union's statement of case on the factual circumstances relating to malafides or victimisation or unfair labour practice having had been indulged in by the relevant appointing authorities, submitted that he would not produce any evidence as the reference was pivoted only upon a case that Sen's appointment as Literate Jamadar and Lower division clerk in preference to Chandra on 11th July, 1952 and 1st April, 1963 respectively was affected by the appointing authority's malafide or victimisation or unfair labour practice operating as against Chandra to the benefit of Sen when the union had not pleaded such a case in its written statement. The Secretary, however, submitted that he would not question the law as has been laid down by their Lordships of the Supreme Court and Madhya Pradesh High Court. He also submitted that on the case as made in the written statement and on the submission he made before the tribunal, if law as laid down by the Supreme Court and the Madhya Pradesh High Court stood in the way, he had nothing to complain. Thus, upon the argument advanced by the Secretary on the pleadings as well as by Sri G. V. Karlekar, and on the Annexure, which I have referred to filed along with the written statement of the union, there can be no escape from the conclusion that as Sen's promotion to Literate Jamadarship by the appointing authority was neither malafide nor a case of victimisation or unfair labour practice, this tribunal cannot set aside such promotion. The seniority list of 1959 that was accepted both by Chandra and by the union made Sen senior to Chandra as a Literate Jamadar. On 1st April, 1963, when senior Sen was appointed as a Lower division clerk, there was no violation of the seniority rule. There was no malafides or victimisation or unfair labour practice when senior Sen was first appointed Literate Jamadar and then appointed Lower division clerk in preference to Chandra now working as junior clerk. The ground on which this reference has been made before this tribunal could have been adjudicated in favour of Chandra if the union had pleaded in its written statement that when Sen was appointed Literate Jamadar in preference to Chandra, the appointing authority acted malafide against Chandra and/or it was a case of victimisation or indulgence in unfair labour practice against Chandra by such authority. In regard to the seniority list of 1959 i.e. revised list there is no pleading by the union that when the revised seniority list of 1959 was finally published and accepted by all Literate Jamadars including Chandra in 1959, there was malafide or unfair Labour practice or victimisa-

tion against Chandra in the preparation of the seniority list wherefor such seniority list could be on proof of malafides or victimisation interferred with by the tribunal upon an issue raised on that point on the union's making such a case in the written statement when the Commissioners of the Port of Calcutta could either deny or admit such assertion. Therefore, there is no case of the union before this tribunal that when Sen was appointed Literate Jamadar in preference to Chandra, the appointing authority acted malafide or was guilty of victimisation or unfair labour practice affecting Chandra nor is there any such case that while publishing the final seniority list in 1959 the authority that published the list that means the Secretary of the Commissioners of the Port of Calcutta in 1959, acted malafide or indulged in victimisation or unfair labour practice affecting Chandra. There is no case that while appointing Literate Jamadar Sen senior to Chandra as appearing in the Seniority list of 1959, as Lower division clerk on 1st April, 1963, the appointing authority acted malafide or was guilty of victimisation or unfair labour practice as against Chandra. So, the reference as now appearing for adjudication before this tribunal cannot be answered in favour of the workman whose case is being espoused by the union.

14. In the circumstances reviewed above, the tribunal holds that the appointing authority was justified in promoting Sri Sen to the post of Literate Jamadar on 11th July, 1952 and thereafter in promoting Sri Sen to the post of Lower Division clerk on 1st April, 1963 superseding on both occasions the alleged claim of the workman Chandra, junior to Sen in the seniority list of 1959 relating to Literate Jamadar. The promotion of Sri Sen on both occasions being just and fair cannot be interfered with by this Tribunal.

In the result the reference is rejected.

This is my award.

(Sd.) S. N. BAGCHI
Presiding Officer.

Dated, the 2nd August, 1972.

[No. L.32014/2/71-P&D.]

V. SANKARALINGAM, Under Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 8th June 1972

S.O. 2415.—The following bye-laws made by the Haj Committee, Bombay, under sub-section (1) of section 18 of the Haj Committee Act, 1959 (51 of 1959) to amend the Haj Committee Bye-Laws, 1966, and confirmed by the Central Government under sub-section (2) of that section, are hereby published as required by sub-section (3) thereof namely:—

1. **Short title.**—These bye-laws may be called the Haj Committee (Amendment) Bye-Laws, 1972.

2. **Amendment of bye-law 5.**—In bye-law 5 of the Haj Committee Bye-Laws, 1966 (hereinafter referred

to as the principal Bye-Laws), for clause (4), the following clause shall be substituted, namely:—

"(4) The Presiding Officer shall be responsible for preserving order at the meeting and may direct any member whose conduct is in his opinion disorderly and not conducive to the decorum of the meeting, to withdraw immediately from the meeting. Such member shall do so forthwith and shall absent himself during the remaining period of that meeting."

3. **Amendment of bye-law 14.**—In bye-law 14 of the principal Bye-Laws, in clause (v), the words and figure "on payment of a fee of Rs. 5" shall be omitted.

[No. MII-1181(45)/64.]

M. H. ANSARI, Dy. Secy.

विदेश मंत्रालय

नई दिल्ली, 8 जून, 1972

एस० ओ०२ : ५—हज समिति उपनियम, 1966 में संशोधन करने के लिए हज समिति अधिनियम, 1959 (1959 का 51) की धारा 18 की उपधारा (1) के अंतर्गत हज समिति, बम्बई द्वारा बनाए गए और उक्त धारा की उपधारा (2) के अंतर्गत केन्द्र सरकार द्वारा प्रृष्ठ निम्नलिखित उपनियम इसके द्वारा प्रकाशित किए जा रहे हैं जैसा कि उक्त धारा की उपधारा (3) में अपेक्षित है, यथा :—

1. लघु शीर्षक : इन उपनियमों को हज समिति (संशोधन) उपनियम, 1972 की संज्ञा दी जाएगी।

2. उप नियम 5 का संशोधन : हज समिति उपनियम, 1966 (जिनका उल्लेख इसके बाद मुख्य उपनियम कहकर किया गया है) में धारा (4) के स्थान पर निम्नलिखित धारा रखी जाएगी, यथा :

"(4) बैठक में व्यवस्था बनाए रखने की जिम्मेदारी संचालन अधिकारी पर होगी और उसकी समझ में जिस किसी मदस्य का आचरण अनुचित और बैठक की शालीनता के प्रतिकूल होगा उसे वह बैठक से तुरंत नले जाने को कह सकता है। सम्बद्ध अधिकारी तत्काल उसकी आज्ञा का पालन करेगा और फिर उस बैठक से अनुपस्थित रहेगा।"

3. उपनियम 14 में संशोधन : मुख्य उपनियमों के उपनियम 14 की धारा (पांच) में "मूल्क के 5 रुपए देने पर" "शब्द और अंक हटा दिए जायेंगे।

[संख्या एस०-दो-1181(45)/64]

एस० एच० अन्सारी, उप सचिव।

